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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Human rights and mass exoduses

Report of the High Commissioner for Human Rights

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Introduction

1. The Commission on Human Rights, at its fifty-second session, adopted resolution 1996/51 entitled "Human rights and mass exoduses". It requested the High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-third session an update of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42), including information on and recommendations and conclusions emerging from the action taken pursuant to the resolution, as well as all relevant information on the human rights situations creating or affecting refugees and displaced persons.

2. In compliance with the resolution, notes verbales and letters were sent to all Governments and concerned organizations, in June 1996 and August 1996 respectively, drawing their attention to the request mentioned above and asking that any information and views relating to these matters be sent to the Centre for Human Rights by 30 September 1996.

3. Information was received from the following Member States: Cuba, Cyprus, Iraq, Lebanon, Mauritius, Mexico, Russian Federation, Saudi Arabia, Ukraine, United Kingdom of Great Britain and Northern Ireland. Replies were also received from the following United Nations entities, specialized agencies and other intergovernmental organizations: the United Nations Department of Humanitarian Affairs, the United Nations Department of Public Information, the United Nations Economic Commission for Europe, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Centre for Human Settlements (Habitat), the World Food Programme (WFP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Monetary Fund (IMF), the Council of Europe, the Organization for Economic Cooperation and Development (OECD) and the League of Arab States. Information was also received from the International Committee of the Red Cross (ICRC).

4. Replies were received from the following non-governmental organizations: Friends World Committee for Consultation/Quakers (FWCC), Human Rights Watch, International Council of Voluntary Agencies (ICVA), Jesuit Refugee Service.

5. Information was provided by the Special Rapporteurs and independent experts on the human rights situations in Afghanistan, Burundi, Iraq, Myanmar, Rwanda, the territory of the former Yugoslavia and Zaire; the Representative of the Secretary-General on internally displaced persons; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Committee on the Rights of the Child.

6. The present report mainly compiles information received from Governments, intergovernmental organizations, specialized agencies and non-governmental organizations relating to the specific phenomenon of mass exoduses, as well as relevant information of the human rights mechanisms of the United Nations. It therefore in no way attempts to provide a

comprehensive analysis of the problem of mass exoduses, but rather highlights the situation and main developments in this regard during the period November 1995 to October 1996, as reflected in the replies.

I. THE HUMAN RIGHTS DIMENSION OF MASS EXODUSES

7. In the majority of cases displacement, while being a violation in itself, is also the direct consequence of violations of human rights, frequently in the context of armed conflict. Information concerning the respect for and the promotion of human rights is thus an indispensable element in examining all phases of mass exoduses, ranging from early warning, prevention of and protection from violations of human rights during mass exodus, to post-conflict peace-building and reconciliation. Indeed, in the aftermath of conflict, the return of the refugees or internally displaced persons to their country and/or area of origin is often an essential element in building sustainable peace.

8. In the present context, the term "prevention" should not be interpreted as meaning that people should be prevented from leaving an area or country, but rather that the human rights situation should be prevented from deteriorating to the point where flight is the only option, and that deliberate measures to displace by force large numbers of persons, such as mass expulsions, internal transfers, forced evictions, forced relocations or forced repatriation, should also be prevented. As UNHCR highlighted in its reply, respect for and protection of human rights is recognized as essential not only in avoiding mass exoduses, but also in achieving long-term solutions to displacement.

A. Main causes of mass exoduses

9. A wide range of causes of mass exodus were cited in the report of the Secretary-General. In order to avoid repetition, the following will emphasize only the major issues highlighted in the replies received. As in previous years, the responses indicated that the major causal factors of mass exoduses are international and internal conflicts, as well as systematic violations of human rights and humanitarian law. For instance, the ICRC noted that violations of the Geneva Conventions and their Additional Protocols cause the majority of involuntary displacements.

10. The information received also indicated that inter-ethnic violence has been a major causal factor in mass movements of populations. In this connection, UNHCR observed that in the light of the likelihood of continuing ethnic regional conflicts, the prevention of such conflicts, as well as the search for durable solutions to address the resulting displacement, will remain a major preoccupation for the international community. UNHCR also observed that the increase in the estimated number of internally displaced persons and the concurrent decrease in the total number of refugees are due to internal conflicts.

11. The Government of Cuba, in its reply, made a similar observation as regards the predominance of internal conflicts. It emphasized, however, that a study of the purely national aspects of the sources of such conflicts from the standpoint of human rights violations would not reveal the real roots of

the problem, as the causes were much more profound and in some cases were of a structural nature. The prevailing unjust and inequitable international political and economic order and, in some cases, the actions of other States were also responsible for the outbreak and continuation of such conflicts. Violations of human rights, which were apparently the most immediate cause of mass exoduses, were generally manifestations of other, more complex, phenomena. The Government considered that the use of force, foreign occupation or domination, and unilateral economic coercion or international sanctions to "resolve" conflicts, "halt" violations of human rights and "promote" democracy, were factors in creating refugees and mass exoduses. The Government considered that chronic underdevelopment was ultimately the basic cause of the mass exodus phenomenon.

12. The Government of Iraq noted the political motivation of some mass exoduses as some States, wishing to harm one of their neighbours for political purposes, encouraged the latter's population to migrate to the former's territory, ostensibly in order to find protection from imminent danger or to enjoy economic benefits not available in the country of origin. The purpose was to bring pressure to bear so that their policies towards the target State could be implemented by exploiting those migrants in order to undermine or disrupt the country's unity. In the context of economic causes of mass exodus it was noted that the imposition of international sanctions led to difficult economic and living conditions and created an appropriate environment for migration, particularly to neighbouring States, as in the case of Iraq. Therefore, the civilian population should be spared the effects of such measures, and foodstuffs and medical requisites should be effectively exempted from embargoes or economic sanctions. Furthermore, it was noted that unbalanced international political relations were often an important factor in the occurrence of mass exoduses through the threat to use force or interference in a country's internal affairs, as was happening in the case of Iraq, where direct or indirect interference by the United States of America and some of its allies was creating tension, encouraging some of the population to leave, particularly for neighbouring countries.

13. The Government of the United Kingdom of Great Britain and Northern Ireland in its reply implicitly recognized the link between human rights violations and mass exoduses, and the relevance of human rights and refugee instruments in preventing such violations. The Government of Cyprus noted that since the Turkish invasion in 1974 and the consequent occupation of 37 per cent of the territory of the Republic of Cyprus, about 200,000 Greek Cypriots who were living in that part of Cyprus were forced by the Turkish occupation forces to leave their homes and properties and became refugees in their own country; they continue to be prevented by the Turkish forces from returning to their homes in the northern part of Cyprus still occupied by Turkey. The Government of Saudi Arabia in its reply noted that the departure of Yemenis working in Saudi Arabia occurred without any compulsion on the part of the Saudi Government, but was encouraged by the Yemeni Government at that time and was motivated by their wish to avoid repercussions following the Gulf war.

14. The League of Arab States noted as a cause of the mass exodus of Palestinians the establishment of settlements by Israel, despite the peace

agreements concluded at Oslo and at the Madrid Conference, which forced them to abandon their land, homes and property.

15. Several special rapporteurs of the Commission on Human Rights have drawn the attention in their reports to situations causing massive displacements of populations. For instance, the Special Rapporteur on extrajudicial, summary or arbitrary executions has continued to receive information about massive displacements of populations which have occurred mainly in the context of armed conflicts, including indiscriminate military attacks against civilians during counter-insurgency operations, attacks by irregular armed groups, and communal violence. During the period under review he was informed about large-scale violations of human rights, including violations of the right to life, committed in the context of armed conflicts which led to massive displacements of populations in Chechnya (Russian Federation), Colombia and Tajikistan. Displacement also emerged as a result of ethnic violence in Burundi, Rwanda and Zaire (see E/CN.4/1997/60).

16. According to information received by the Special Rapporteur on the situation of human rights in Afghanistan, 120,000 people have been displaced since the Taliban takeover of Kabul at the end of September 1996. This includes 50,000 who left Kabul itself after the implementation of strict Islamic law (Shari'a) by the Taliban militia, who immediately closed all girls' schools and banned women from working. In addition, they imposed a strict dress code, whereby women are required to wear a veil which completely covers their face and body, and men were ordered to grow long beards or face punishment. These measures prompted many to leave the capital, together with persons associated with the former Government, intellectuals, as well as men fearing forcible conscription. An additional 70,000 persons were displaced following the spreading of the conflict in the north of the country and outside Kabul in November and December, respectively.

17. The Representative of the Secretary-General on internally displaced persons following a mission to Tajikistan in June 1996 reported that displacement in that country was caused by the civil war which took place in the second half of 1992. In a situation of power vacuum and where resources had become increasingly scarce, latent conflicts erupted between groups who wanted to preserve the current system and power structures and those challenging the regime by advocating reforms. This struggle gradually degenerated into widespread violence and escalated into civil war with increasing ethnic, regional and religious overtones, leading to the internal displacement of an estimated 600,000 persons, the exile of some 90,000 persons, and the migration of hundreds of thousands, mainly skilled workers with their families, to the Russian Federation. While the results of the war initially seemed clear in military terms, and most of the internally displaced returned shortly after the conflict, the progress of peace negotiations has been slow and the underlying causes of the conflict still remain to be addressed. The conflict therefore lingers on. A serious flareup in the second half of 1996 led to an increase in the number of internally displaced persons (see A/51/483/Add.1)

18. In Mozambique, where the Representative of the Secretary-General on internally displaced persons recently undertook a mission, large-scale displacement had resulted from protracted civil war as well as drought.

Furthermore, forcible relocation of populations was reported to have been used as a tool of warfare (see E/CN.4/1997/43/Add.1). A similar practice has been reported by the Special Rapporteur on the situation of human rights in Burundi (see below), as well as by the Special Rapporteur on the situation of human rights in Myanmar, who noted reports indicating that the Government has been responsible for the forced displacement of nearly 100,000 Myanmar citizens, specifically ethnic minorities living in places where armed opposition groups are active, who have been relocated into areas under government control, reportedly without compensation, so as to cut insurgents off from local support and to prevent them from having access to food supplies. Furthermore, he noted that villagers resisting relocation were reportedly subjected to harassment, torture, looting and burning (A/51/466). The Special Rapporteur on the situation of human rights in Iraq reported that according to the Department of Humanitarian Affairs, the recent outbreak of hostilities in northern Iraq had resulted in the displacement of some 20,000 people within northern Iraq and the departure of an estimated 39,000 people for the Islamic Republic of Iran (A/51/496).

19. The magnitude of the problems of mass displacement is underscored by the events in the Great Lakes region of Africa. Indeed, inter-ethnic violence in the region has uprooted a large number of people in Rwanda, Burundi and Zaire and caused instability throughout the region, as has been all too apparent in the latter part of 1996. It is also a reflection of the need for political solutions to the crisis of displacement - and the lack thereof. As recent events in the region have demonstrated, mass exodus and the failure to develop durable solutions can exacerbate existing ethnic tensions and lead to renewed conflict and recurring mass population movements.

20. In mid-1996, reports of worsening conflict in Zaire, indicating that acts of violence in Rutshuru, Masisi, Wlikale and elsewhere were driving a large number of Zairians into Rwanda, prompted the High Commissioner for Human Rights to ask the Special Rapporteur on the situation of human rights in Zaire to conduct an investigation in situ. The Special Rapporteur noted in his report (E/CN.4/1997/6/Add.1) that, apart from the problems of power and nationality which set people originating from Rwanda, referred to as Banyarwanda, against the "original" ethnic groups there was a dispute within the Banyarwanda between Tutsi and Hutu, which has been exacerbated by the inter-ethnic conflict in Rwanda and Burundi. The arrival in Zaire of 1.2 million Rwandan refugees beginning in July 1994 fuelled an already violent situation. There were also numerous incidents between the Tutsi and the "indigenous ethnic groups", especially the Hunde, Nande and Nyanga ethnic groups. In addition, the Special Rapporteur received reports of conflicts between ethnic groups accepted as indigenous who had traditionally opposed the Government of Zaire and the Zairian Armed Forces. Such conflicts were especially frequent where ethnic groups have been defending besieged Zairian Tutsi. These confrontations and violent incidents have left many people wounded and caused violations of people's safety, property and other rights, and resulted in population displacements in 1996. In his report, the Special Rapporteur analysed the serious problem of the Zairian refugees who had arrived in Rwanda by their own means or had been forcibly expelled. During his visit, the Special Rapporteur received information and reports from intergovernmental and non-governmental organizations explicitly citing the involvement of Zairian authorities, in particular the military and security

forces, in attacks, pillaging and burning. The Zairian Armed Forces were also accused of active involvement in internal displacements and expulsions of Zairian Tutsi, in what is known as "Opération Café". In his report he also noted that the violence had resulted in enormous numbers of internally displaced people, which had increased from some 100,000, as noted in his second report (E/CN.4/1996/66 of 31 December 1995), to some 250,000 or even 400,000 by 29 July 1996, according to his sources.

21. The Committee on the Elimination of Racial Discrimination expressed grave concern at allegations of large-scale discrimination against the Pygmies (Batwa) and at reports of violent clashes in Kivu involving the Hunde, the Nyanga and the Nande ethnic groups, and the Banyarwanda and Banyamulengue ethnic groups, causing thousands of deaths. Reports of alleged regional "ethnic cleansing" in Shaba against the Kasai ethnic group, which led to their massive displacement to other parts of the country, and of attacks and widespread discrimination against Rwandan and Burundian refugees, were also a subject of great concern to the Committee (see A/51/18, para. 50).

22. The Special Rapporteur on the situation of human rights in Rwanda noted the impasse concerning the return of Rwandese refugees following the crisis in eastern Zaire, which called into question the strategy which had been adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on 11 October 1996. He described the crisis, which was at the same time military, political and humanitarian, as being characterized by two intimately linked factors, the first being the military confrontation between the rebel Tutsi Banyamulenge, supported by the RPF, and the Zairian armed forces. The origin of the conflict is the massive and continued presence of Rwandese refugees on Zairian territory: the military and paramilitary activities of the ex-Forces armées rwandaises and the interahamwe have had a catalytic role in the latent crisis in the host country. The second element, resulting from the first, is the massive exodus of refugees towards inhospitable regions with no access for humanitarian organizations. In this connection, the Special Rapporteur deplored the tardiness of the international community which, faced with a crisis of such dimensions, had failed to take appropriate action (see E/CN.4/1997/61).

23. The Special Rapporteur on the situation of human rights in Burundi similarly reported on the displacement of populations, for example after the spreading of the violence, after a relative period of calm in the first two months of the year, into the southern provinces of the country, which provoked the flight and displacement of some 100,000 people. Similarly, he noted the impact of recent events in Zaire on Burundi. In addition to unrest in Kayanza, Karuzi, Muramvya and Gitega provinces, major fighting had been reported in south-eastern Burundi, as the Burundian military attempted to prevent rebels from crossing the country to set up new bases in the United Republic of Tanzania. In Ruyigi province, which until November had been considered a relatively stable area, about 80,000 people fled to Tanzania to escape major fighting.

24. The Special Rapporteur also reported that he had learnt of a recent development which was of utmost concern. Since early summer, the Burundese authorities had regrouped some 40,000 people - mainly Hutu - into camps in Karuzi province. Residents of communes where rebel activity or support was

considered by military authorities to be particularly strong were regrouped in camps under military guard. Those who refused to go to the camps might be treated as hostile by the military, while those who agreed to go to the camps risked being considered collaborators by the rebels. Some 500,000 persons were estimated to be internally displaced throughout the country, including displaced Tutsi and more recently displaced Hutu in camps, as well as dispersed persons in the hills away from the main roads.

25. The second major area of attention in the past few years has been the territory of the former Yugoslavia. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia recalled several major displacements of population during the years 1995-1996. In August 1995, as a consequence of operation "Storm" launched by the Croatian authorities to recover control over the Krajina region, some 200,000 Croatian Serbs - more than 90 per cent of the population of the former Sectors North and South - fled from Croatia to the area of the so-called "Republika Srpska" in Bosnia and Herzegovina and to the Federal Republic of Yugoslavia. The return of these persons to Croatia has been a subject of intense international concern. As of September 1996, the Croatian Government had authorized the return of some 12,000 persons to the country, mostly on the basis of family reunification and proof of citizenship, although the Special Rapporteur observed that fewer than a quarter of this number had actually returned to the former sectors.

26. In August 1995, about 25,000 Bosnian Muslim refugees loyal to the breakaway regime of Fikret Abdic had fled from the Velika Kladusa area of Bihac, in the north-west of Bosnia and Herzegovina, to Croatia, when the Bosnian government forces recovered control over the region. Many of these persons remained housed in extremely difficult conditions in a makeshift camp at Kupljensko until August 1996, when the camp was closed and the people resettled elsewhere in Croatia, in third countries and, in some cases, back in Bosnia and Herzegovina. Similarly, in September 1995, as a result of an offensive by Bosnian and Bosnian Croat forces in the west of Bosnia and Herzegovina, some 100,000 civilians, mostly Bosnian Serbs, fled numerous townships including Kljuc, Donji Vakuf, Drvar, and Sipovo, and sought refuge in areas of the Republika Srpska. The vast majority of these persons remained displaced at the end of 1996, due to the general lack of progress on return throughout the territory of Bosnia and Herzegovina.

27. Following the entry into force of the General Framework Agreement on Peace in Bosnia and Herzegovina (Dayton Agreement) in late 1995, up to the end of February 1996 some 20,000 Bosnian Serbs had left the Sarajevo suburbs for the Republika Srpska in view of the then-imminent transfer of authority over the suburbs from the Republika Srpska to the Federation of Bosnia and Herzegovina. Extensive efforts, especially by international authorities, to persuade these persons to stay proved unsuccessful. According to the Special Rapporteur, both sides contributed to the inevitability of this exodus: Bosnian Serb authorities by their express encouragement to Serbs to depart, and authorities of the Federation by statements which reflected ambivalence, and in some cases outright hostility, towards Serbs who might have wished to remain.

B. Human rights situations affecting refugees and displaced persons

28. UNHCR in its reply, referring to the Note on International Protection submitted to the Executive Committee of the High Commissioner's Programme (A/AC.96/863), observed the growing obstacles to obtaining asylum and pointed out that while a large number of persons had been admitted and given refuge, attitudes to refugee protection and to refugees had in some instances ranged from indifference to active hostility. Nevertheless, the increased willingness by States to try to address the needs of all persons requiring international protection, including persons fleeing persecutory wars or collapsing States, internally displaced persons, and persons fleeing persecution because of their gender, reflected positive developments in refugee protection. However, UNHCR also observed an approach to upholding rights in the country of origin, coupled with intensified efforts to induce would-be asylum-seekers to stay home.

29. The Committee on the Elimination of Racial Discrimination (CERD) also expressed its concern with regard to problems affecting refugees and internally displaced persons. For instance, following its consideration of the periodic reports of Zaire, the Committee in its concluding observations, expressed its great concern regarding attacks and widespread discrimination against Rwandan and Burundian refugees. Following consideration of the periodic report of the Russian Federation, the Committee noted its deep concern with regard to the situation in Ingushetia and North Ossetia, observing that large numbers of Ingush exiles were being denied by the North Ossetian authorities the right to return freely to their regions of origin, in particular the Prigoradnyi district, in spite of the Law on Rehabilitation of Repressed Peoples. It also noted that the Ingush population had suffered directly and indirectly from the Chechen conflict. Moreover, following consideration of the periodic report of the United Kingdom of Great Britain and Northern Ireland, CERD expressed its concern regarding the often prolonged detention in refugee centres of Vietnamese asylum-seekers in Hong Kong. Following consideration of the periodic report of Finland, the Committee noted that, in some cases, decisions to repatriate asylum-seekers had been taken without proper respect for international human rights standards and the norms of refugee law. With respect to the periodic report of Denmark, CERD noted the growth of racism and intolerance against foreigners, particularly asylum-seekers and migrant workers (see A/51/18).

30. During the first 10 months of 1996, the Committee on the Rights of the Child has on several instances dealt with the situation of refugee and asylum-seeking children. In the concluding observations adopted during this period, the Committee expressed various concerns including the adverse impact of armed conflict on the enjoyment of children's rights; the problem of statelessness; the lack of adequate legislation on refugees in general; the inadequate application of law and policy concerning children seeking asylum, particularly as regards methods of interviewing children for status determination; the lack of a comprehensive system of protection involving the social and/or judicial authorities which would apply to those children while subject to the jurisdiction of the State party, as well as in the process of returning to their country of origin; the insufficient attention paid to the

specific needs and rights of children in asylum-seeking situations and the provisions of the general principles of non-discrimination, best interests and respect for the views of the child not being given adequate weight by administrative bodies dealing with refugee children; the provision of health and education not being consistent with the principles and provisions of the Convention; the resort of immigration officials to measures of deprivation of liberty of children for security or other related purposes. Specific references to unaccompanied, displaced, asylum-seeking or refugee children can be found in the Committee's concluding observations following its consideration of the reports of Yugoslavia, Iceland, Croatia, Finland, Lebanon, Nepal, Guatemala, and the United Kingdom (dependent territory of Hong Kong).

31. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia has stressed the situation of displaced persons, Serbs and Croats alike, in Eastern Slavonia, who faced housing problems, property disputes, forced co-location and eviction. Furthermore, she noted recent declarations by some Croatian politicians according to which displaced Croatian Serbs will not be allowed to stay in Eastern Slavonia after its transfer to full government control.

32. With regard to the situation of refugees in the Federal Republic of Yugoslavia, the Special Rapporteur noted the significant number of refugees, specifically 646,166 war-affected persons who now have asylum in the FRY, 566,275 of whom are recognized as refugees. The vast majority - 537,937 - were settled in the Republic of Serbia. Most of them - 290,667 - came from Croatia while 232,947 came from Bosnia and Herzegovina, mainly from the Federation of Bosnia and Herzegovina. The great majority of those refugees identified themselves as Serb, while most of the rest identified themselves as Yugoslavs, Muslims or Croats. The Special Rapporteur noted that only some 9 per cent of the refugees expressed a wish to be repatriated and more than half wished to settle in the FRY. It was further reported that Serbia's policy towards refugees was based on national background and was therefore more restrictive than that of the Republic of Montenegro, which was reported to have continued to adopt an "open door" policy towards refugees. The Special Rapporteur also reported on information received indicating that for a period until late 1995, non-Serb asylum-seekers had been denied entry into Serbia. Furthermore, refugee legislation in Serbia and Montenegro subjected registered refugees to the duty of military service, which caused many refugees to abstain from registering for fear of conscription, while others were prevented from registering officially. According to the Special Rapporteur, they continued to live in uncertainty about their future, pending the adoption of a new law on citizenship (see E/CN.4/1997/9).

33. WHO, concerned with freedom of movement and health in Bosnia and Herzegovina, noted that while principles in that regard had been accepted in the Dayton Agreement, there was in fact extremely little freedom of movement for both patients and health workers. It observed that incidence of cross-border referrals and service provisions were exceptional and that opportunities for displaced health workers to return to their original place of work were not materializing. The lack of movement between communities was attributed to fear, sometimes based on rumours or false assumptions, police

checks, intimidation from the community, as well as threats and acts of violence towards minorities and returnees, which occurred regularly.

34. In August 1996, the Representative of the Secretary-General on internally displaced persons and the Special Rapporteur on extrajudicial, summary or arbitrary executions received information indicating that internally displaced persons were being returned to the Tavildara area of Tajikistan. In view of the armed clashes taking place in that region between the Government and opposition forces, as well as the presence of landmines, combined with lack of access by international organizations for security assessment and delivery of humanitarian assistance, serious concern was expressed for the life and personal security of the civilians. On that basis, they sent an urgent appeal to the Government of Tajikistan, calling for its urgent attention to the matter. They also transmitted joint urgent appeals regarding displaced families of the Bellacruz estate in Colombia who were evicted by a paramilitary group and threatened with death if they returned to the land, and the civilian population of Sernovodosk, which included many displaced persons from several parts of Chechnya, who continued to be at risk of indiscriminate attacks by Russian armed forces.

35. During 1996, the Special Rapporteur on extrajudicial, summary or arbitrary executions undertook various other actions concerning threats and/or violations of the right to life directed against refugees and internally displaced persons. He transmitted urgent appeals on behalf of the following groups of people: Burundian refugees in Rwanda, after being informed that 392 refugees were being expelled manu militari by soldiers of the Rwandese Patriotic Army (RPA) to Cibitoke province in Burundi; the civilian population in southern Lebanon, after Israel launched an attack on a United Nations compound in the village of Qana, which reportedly provided refuge to 400 civilians (during the attack, the Palestinian refugee camp of 'Ayn al-Hilweh was reportedly also hit); and Rwandese refugees in Kenya, after two Rwandese nationals, among whom was the former Rwandese Minister of Interior, reportedly survived an assassination attempt in Nairobi carried out by three men of Rwandese nationality, one of whom was allegedly a member of the RPA.

C. Problems impeding voluntary return home

36. Voluntary return home is generally considered to be the most desirable solution to the displacement of populations, although local integration or resettlement should remain possible options for the individuals concerned. However, a great number of factors have impeded the smooth return and reintegration of returnees, who often face an environment of political instability and unsustainable economic conditions compounded by problems of insecurity, landmines, and land and property disputes.

37. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia reported as one of the most crucial issues that most displaced persons and refugees had been unable to return to their place of origin mainly because of obstructions imposed by the authorities. Furthermore, those who returned generally faced hardships, including being unable to recover their property and being subjected to various forms of harassment.

38. With regard to Bosnia and Herzegovina, the Special Rapporteur observed that although annex 7 of the Dayton Agreement committed the parties to ensuring the right of return of refugees and displaced persons to their places of origin, by the end of 1996, very few people had actually been able to return. The Special Rapporteur noted with concern that the "provisions of annex 7 relating to the right of return of refugees and displaced persons have gone largely unimplemented, mostly due to obstructions posed by authorities of the Republika Srpska as well as Bosnian Croat authorities in the Federation of Bosnia and Herzegovina" (E/CN.4/1997/9, para. 30). She mentioned, for instance, attempts to return involving violent incidents in the Zone of Separation between the two entities. On 29 August 1996, in the village of Mahala, and on 20 September 1996, in Jusici, some displaced Bosniaks were prevented from returning to their homes by the Republika Srpska authorities. In Mahala, 10 persons were injured by Republika Srpska police who fired at the group. The Special Rapporteur expressed concern that the Republika Srpska authorities allegedly planned to resettle displaced Serbs from Sarajevo in the Zone of Separation in order to strengthen their side of the Inter-Entity Boundary Line (see E/CN.4/1996/9).

39. The Special Rapporteur also noted that not much had been achieved on returns of displaced persons within the Federation of Bosnia and Herzegovina itself, except for a pilot project set up with the assistance of the UNHCR for the return of some 200 Bosniak families to Bosnian Croat-controlled Jajce. Otherwise, few Bosniaks had returned to Bosnian Croat-controlled areas of the Federation, and few Bosnian Croats had returned to Bosniak-controlled areas. In most cases, the few returnees to areas dominated by members of other national groups had been subjected to various forms of harassment and assault. On the whole, freedom of movement still remained restricted in the territory of Bosnia and Herzegovina, especially near the Inter-Entity Boundary Line between the Republika Srpska and the Federation of Bosnia and Herzegovina, and between Federation territory controlled by Bosniak authorities and that controlled by Bosnian Croat authorities.

40. The Parliamentary Assembly of the Council of Europe, in its recommendation 1301 (1996) adopted on 28 June 1996, made similar observations and expressed its grave concern at the delay in implementing the civilian clauses of the Dayton Agreement and stated that freedom of movement between the two entities of Bosnia and Herzegovina did not exist in practice, a problem which had a particularly grave impact on enclaves such as Gorazde. Moreover, it noted that refugees and internally displaced persons had not yet returned in any significant numbers due to lack of guarantees for their physical and material safety. It deplored in particular the complete stalemate regarding areas which had undergone "ethnic cleansing". It further noted that, apart form the political factors, the total lack of housing made any large-scale return of either internally displaced persons or refugees impossible. The disastrous state of the infrastructure and the unemployment level were cited as additional deterrent factors.

41. The observations by the Special Rapporteur on Burundi also highlighted the problems confronting returnees. Since early November, more than 59,000 Burundians who were living in refugee camps in eastern Zaire had returned to Burundi. Up to 45,000 had returned spontaneously to the Cibitoke region where fighting continued between government forces and rebels. The 22 October

massacre of at least 298 returnees who had taken refuge in a church in Cibitoke was just one indication of the dangers facing returnees to the province, in addition to poor health and living conditions. Approximately 5,000 Burundians who were in Zaire have crossed Lake Tanganiyka and are now in Tanzania.

42. As regards the arrival and reception of Rwandan returnees from Zaire, the Human Rights Field Operation in Rwanda (HRFOR) reported that overall, the mass movement of returnees from the border to their home communes proceeded smoothly and that returnees were generally well received in their communes of origin. An estimated 500,000 returnees crossed the border into Rwanda from 15 to 19 November. HRFOR also noted in its status report as at 6 December 1996 that property problems had been reported to be the biggest impediment to the rapid reintegration of the returnees. Similarly, the reception of more than 75,000 returnees to Butare prefecture from refugee camps in northern Burundi in July and August proceeded smoothly with very few incidents.

43. In his report on Tajikistan, the Representative of the Secretary-General on internally displaced persons examined, inter alia, the multiple obstacles faced upon return by the displaced, including the widespread destruction and looting of their homes, occupation of property, lack of seeds for planting, and the collapse of the health care system. With regard to security, the displaced population had been identified with the enemy, and therefore faced considerable hostility among the local population upon return. The problems were at the time compounded by the general lack of law and order, with numerous disappearances, killings, beatings and other forms of harassment of the returnees (see A/51/483/Add.1).

44. Considering the initial report of Guatemala, the Human Rights Committee noted its concern regarding cases of violence against the repatriated population, which had resulted in extrajudicial executions, disappearances, and torture or ill-treatment. In that connection, the Committee expressed concern regarding the conduct of members of the Civil Self-Defence Patrols, who had availed themselves of their position to harass repatriated persons (see A/51/40).

45. The presence of landmines also often constituted a serious impediment to return, repatriation and reconstruction. In Mozambique, for instance, it had been brought to the attention of the Representative of the Secretary-General on internally displaced persons during his recent visit to that country that in certain instances internally displaced persons had been prevented from returning to their area of origin due to fear of landmines. In one case described to the Representative, following the clearance of a mine-infected area, some 15,000 internally displaced persons returned to their homes. Similar problems were reportedly preventing others from returning as well (see E/CN.4/1997/43/Add.1). Furthermore, UNDP in its reply noted that returnees in particular are exposed to the danger of landmines during return or in the areas of return. UNDP was currently supporting demining operations in Angola, Cambodia, Chad, Laos, Mozambique and elsewhere.

46. Furthermore, land and property disputes frequently impeded return. The Special Rapporteur on the situation of human rights in the territory of the

former Yugoslavia noted, with regard to the situation in Croatia, that upon return, Croatian Serbs had been reported to face serious problems in recovering their property, especially since as of August 1996, about 56,525 ethnic Croats - displaced persons and refugees - had been provided with accommodation in the formerly Serb-controlled sectors.

47. Even where concerns for security had abated, unsustainable economic conditions in the area of return and insufficient financial support to returnees could be a factor slowing down the process of return, reintegration and, most importantly, reconciliation. UNDP observed that the gap between development planning mechanisms on the one hand, and humanitarian resource mobilization on the other, could result in gaps in assistance to populations that had recently returned or resettled. The IMF in its reply attributed the fact that few of the Serb refugees in the Federal Republic of Yugoslavia had returned to Bosnia or Croatia, aside from political obstacles and postponements of resettlement, to lack of resettlement credits.

II. INFORMATION ON SOLUTIONS

A. Replies from Governments, intergovernmental and non-governmental organizations

48. While several Governments, intergovernmental and non-governmental organizations in their replies emphasized the importance of developing a comprehensive approach to the problems of mass exoduses, as well as the need to pay special attention to the continuum of emergency to development assistance, others provided information on more specific programmes or on current developments in their respective countries. As the responses of the Governments of Cuba, the Russian Federation and Ukraine indicated the importance they attached to international cooperation in the search for comprehensive solutions, their views are reflected in section III.

49. The Government of Mexico in its reply emphasized the measures taken with regard to the Guatemalan population established on Mexican territory. The Mexican Commission for Assistance to Refugees (COMAR), established in response to the migratory flows to Mexican territory from Central America in the early 1980s, had focused on programmes in such fields as health, education and food which made it possible for the refugees to have a decent life. The basic principles governing these programmes were to respect and preserve, through bicultural education, the ethnic identity of each of the seven Mayan language groups, guaranteeing their legal stay and security in Mexico, until such time as they individually expressed their preference for voluntary repatriation, and to offer them a standard of living and opportunities for development and work equivalent to those of the Mexican population living in the same area. Recently, the Minister of the Interior announced an immigration stabilization plan, which will enable refugees to become integrated into the country.

50. The Government of Cyprus noted that it had prepared a bill on granting asylum to refugees. The consideration of the bill by a special committee, which consisted of representatives of appropriate ministries and the representative of UNHCR in Nicosia, was at an advanced stage. Moreover, it was highlighted that the Republic of Cyprus had adopted leglislation providing

for the granting of nationality to a person whose mother was a national of Cyprus and whose father was stateless.

51. The Government of Lebanon referred in its reply to efforts made to facilitate the return of the displaced, and emphasized the objectives of the Ministry for the Displaced for their reintegration through rehabilitation of areas of return, rehabilitation of infrastructure, housing and public services, as well as of the productive and economic sectors, and the achievement of reconciliation.

52. UNHCR in its reply re-emphasized its focus on a solution-oriented comprehensive strategy which emphasized, alongside protecting the rights of victims, addressing the causes of mass displacement. It also stressed that the only long-term solutions to major refugee catastrophes depended on comprehensive political responses. In fact, the Note on International Protection stated that despite the reduction of the global refugee numbers to an estimated 14½ million, the pressure to identify solutions to the refugee problem is more acute than ever, as the even reduced numbers are failing to achieve either voluntary repatriation, local integration or resettlement.

53. The Note outlined several elements indispensable in protection-based comprehensive approaches to avoiding mass displacement, such as upholding the international rule of law, including relevant human rights and refugee law principles, which should be seen as positive and enabling components of any comprehensive approach. Moreover, the importance of human rights standards in the protection framework was emphasized, such standards would determine the pace at which the refugee or involuntary displacement problem could be solved definitively. The establishment of effective procedures for monitoring, reporting and verification was an important corollary to the inclusion of human rights guarantees in protection-based comprehensive approaches. The same was true for the establishment of international accountability, which could be a key in restoring peace, reconciliation and the rule of law. Other steps were the enhancement of the institutions of civil society, including non-governmental organizations, legal and judicial structures and a free media, as well as appropriate legislation in accordance with international standards. Furthermore, the need for State responsibility to be acknowledged and strengthened was highlighted. The Note on International Protection also recalled the Executive Committee's 1995 Conclusions on International Protection, which stressed the importance of adequate support for development and rehabilitation as an important element in the sustainable reintegration of refugees returning home.

54. The International Council of Voluntary Agencies (ICVA) expressed concern that the increased emphasis on return-oriented solutions and the decrease in opportunities for local integration and resettlement reflected a reduced willingness on the part of the international community and host countries to bear the refugee burden. In that regard, ICVA was concerned that there might be a conflict between the strategies now labelled "orderly repatriation", "mandatory repatriation", "passively accepted repatriation" and UNHCR's protection mandate, and that the shift towards return-oriented solutions and the prevention of refugee flows and the containment of refugee crises frequently conflicted with UNHCR's basic protection role. It re-emphasized

that durable solutions (repatriation, local integration and resettlement) must be designed in such a way as to reinforce protection.

55. In the context of displacement, UNICEF noted that its activities focused on the protection and care of refugee and displaced women and children who were likely to become victims of gender-based discrimination, violence and exploitation. The effect of armed conflict on children was the theme of the 1996 State of the World's Children report, which proposed a ten-point Anti-War Agenda, calling for prevention of armed conflicts, education of girls' and women's rights, prevention of child soldiers, banning of landmines, denunciation of war crimes, children as zones of peace, child impact assessments when sanctions were imposed, and more efforts in emergency relief, rehabilitation and education for peace.

56. WFP noted its approach of exploring opportunities for developmental uses of relief food assistance at the earliest possible moment, even in the context of a continuing emergency, in order to rebuild self-sufficiency in addition to sustaining lives, for reconciliation and reduced vulnerability to future emergencies. This included, for example, meeting the nutritional needs until food self-sufficiency was achieved to encourage resettlement, repatriation or reintegration of refugees and internally displaced persons in Angola, Mozambique, Senegal, Uganda and Zambia and demobilization of soldiers in Angola, Mozambique and Liberia, as well as food-for-work programmes for post-conflict rehabilitation of war-damaged infrastructure and productive assets and for rural infrastructure to mitigate future natural disasters.

57. UNDP, recalling the gap between developing planning mechanisms on the one hand and humanitarian resource mobilization on the other, and the resulting gaps in assistance to persons who had recently returned or resettled, believed that a key part of the solution lay in better coordination of different resource-mobilization mechanisms and their applications at the different stages of intervention. Acknowledging that it was often human rights activities that fell into this gap and failed to attract resources, UNDP emphasized that the building of institutions for upholding human rights had to be a priority in assisting recently returned and resettled populations.

58. UNDP recalled that returned refugees and internally displaced persons formed a large proportion of its beneficiary population in countries in crisis or emerging from crisis, as programmes often addressed the needs of communities where internally displaced persons or refugees had returned or settled, particularly in the areas of rehabilitation of services, the revival of the local economy, and the building of governance capacity. Examples included the programme for reconstruction and rehabilitation of key return areas for internally displaced persons in Azerbaijan, carried out in close cooperation with the World Bank, and the programme to provide housing to returned refugees and other vulnerable groups in urban areas in Rwanda. Considering such programmes as addressing the right to development of displaced persons, UNDP mentioned its new policy guidelines for "countries in special development situations", which allowed for special resources and simplified procedures at the different stages of crisis, including natural disasters. These new initiatives will also include expanded assistance to internally displaced persons, returnees and refugees, and can support the building of legal systems and the training of judges.

59. As regards reconstruction, the IMF noted its activities in various countries, including Azerbaijan, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, Georgia, the Russian Federation, Rwanda, Burundi and Zaire. It noted, for instance the launching of a project to reconstruct the Nagorny-Karabagh region, including preparatory work for the Azerbaijan reconstruction project and the creation of the Azerbaijan Resettlement and Reconstruction Agency. With regard to Bosnia and Herzegovina, the IMF emphasized its commitment, in cooperation with other international institutions and the High Representative, of supporting only steps that were conducive to reintegration - with disbursement of external financing depending to a considerable extent on progress in reintegration and respect for human rights. In Rwanda, the IMF had worked closely with the World Bank and the international community in seeking to restore key institutions and to foster macro-economic reforms aimed at strengthening economic performance and addressing property ownership and other economic issues that were conducive to a rapid return of the displaced populations.

60. WHO noted its efforts in Bosnia and Herzegovina, where it was endeavouring to facilitate the development of strategies and tools to address freedom of movement and health. For its part, WHO had attempted to use health as a means to improve freedom of movement and to ensure health to all as a fundamental human right, for instance through continued humanitarian assistance to needy populations, in particular refugees and internally displaced persons, and by holding meetings, seminars or rehabilitation projects bringing together individuals from all sides.

61. The United Nations Centre for Human Settlements (Habitat) drew attention to the importance of residential stability as one of the fundamental factors for securing peace and development in human settlements. It noted that the Habitat II Conference reconfirmed the important role of human settlements in the realization of human rights, particularly the human right to adequate housing, the right to development, and a number of other components of achieving equitable human settlements. Among the recommendations of the Habitat Agenda which were particularly stressed in the reply were the provision of legal security of tenure, prevention of evictions, and promoting shelter and supporting basic services and facilities for education and health for - among other vulnerable groups - displaced persons.

62. The United Nations Department for Public Information (DPI) highlighted the important role of public information in raising awareness of the question of human rights and mass exodus, highlighting activities such as the production of print material, films, radio and television programmes and radio documentaries, as well as collaborating with NGOs and coordinating inter-agency promotional activities.

63. The ILO drew attention to the work of its supervisory bodies, which had examined the question of the displacement of persons in the context of the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The OECD drew attention to the Joint Evaluation of Emergency Assistance to Rwanda, which provided a number of recommendations with regard to all phases of displacement. The Economic Commission for Europe in its reply noted two publications, one of which was forthcoming, dealing, inter alia, with

migration due to armed conflicts and ethnic or political reasons. It also drew attention to its publication International Migration Bulletin, which deals regularly with refugee issues, presenting and analysing data on various forms of international migration in the UN/ECE region.

64. Human Rights Watch provided reports released by the organization in 1996 relating to refugees and freedom of movement, which include recommendations on Myanmar, the Commonwealth of Independent States, Guatemala, Israel, Sweden, Tajikistan, Turkey and Zaire. The Jesuit Refugee Service sent a joint written statement which had been submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session regarding Bhutanese refugees living in Nepal and India (E/CN.4/Sub.2/1996/NGO/1).

B. Recommendations by human rights mechanisms

65. Over the past year, many human rights mechanisms have made recommendations which, if implemented, could play a role in preventing violent conflict and other causes of mass exoduses, as well as in ensuring durable solutions to the plight of persons affected by displacement and in building sustainable peace.

66. The Committee on the Elimination of Racial Discrimination at its forty-ninth session adopted on 16 August 1996 General Recommendation XXII with regard to refugees and displaced persons on the basis of ethnic criteria. The recommendation stresses that the International Convention on the Elimination of All Forms of Racial Discrimination obliges States parties to prohibit and eliminate racial discrimination, and emphasizes, inter alia, that all such refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety, that States are obliged to ensure that their return is voluntary, and that the displaced have, upon return, the right to restoration of property or adequate compensation when this is not possible. The Committee also issued a number of country-specific recommendations. For instance, following consideration of the periodic report of the Russian Federation, the Committee recommended, inter alia, that the rights of all victims, especially refugees, of the conflict in Ingushetia and North Ossetia should be guaranteed. With regard to Burundi, the Committee, in resolution 1 (49), called upon all the Burundian parties to cooperate closely with the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights as well as with the neighbouring countries, and to provide the refugees and displaced persons with the possibility of returning to their homes of their own free will and in safety. The Committee further urged the international community to provide the necessary funds and logistical support for the repatriation of refugees and displaced persons (see A/51/18).

67. Among its suggestions and recommendations, the Committee on the Rights of the Child referred to the following: incorporating education on child rights in training curricula of police and immigration officials; making information on children's rights available to all refugee children in their own language; introducing legislation for the protection of the rights of refugees, in line with the relevant international standards; reviewing existing legislation and procedures with regard to their compatibility with

the Convention; undertaking a comprehensive review of the policy in relation to children seeking asylum in the light of the provisions and principles of the Convention; implementing artice 22 and general principles in matters relating to the protection of refugee children, including in deportation procedures, and seeking solutions to avoid expulsions causing the separation of families; using deprivation of liberty of children only as a measure of last resort.

68. The three Special Rapporteurs dealing with the human rights situation in the Great Lakes region recommended at their meeting of 18 and 19 January 1996, as means to counter violations of human rights resulting from the struggle for political and economic power, which exploited the pre-existing ethnic and regional divisions, inter alia the establishment of the rule of law, greater representation of the various components of the nation within the armed forces, and a national plan of action in each country for the reorganization of the public administration (E/CN.4/1996/69, para. 17 (a)). They also stressed the obligation of all actors to strictly respect the fundamental principles of non-refoulement and voluntary return.

69. In his report of 16 September 1996, the Special Rapporteur on the situation of human rights in Zaire made recommendations concerning, inter alia, repatriation, respect for the human rights of Rwandan refugees and the safety of internally displaced persons. He especially emphasized that the operations of the High Commissioner for Human Rights should be extended to the three countries in the region and that observers should be deployed. Recalling the suggestion of the above-mentioned meeting of the Special Rapporteurs and their proposal to the Commission to adopt a global resolution on the region, he suggested an extraordinary session of the Commission on Human Rights (E/CN.4/1997/6/Add.1, para. 130) This latter proposal was supported by the Special Rapporteur on the situation of human rights in Burundi in his report to the General Assembly (A/51/459, para. 81).

70. The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia considered progress in the protection of minorities to be one of the most urgent human rights needs in the territory of the former Yugoslavia. In her special report on the question of minorities (E/CN.4/1997/8), she highlighted the importance of progress made by countries in the region on minority questions as essential for the maintenance of peace. She emphasized that, as troubled relations between national groups and the Governments responsible for their welfare had been a cause of the war, failure to resolve the problems faced by minority populations, notably those in the entities of Bosnia and Herzegovina, carried the threat of renewed conflict.

71. Prevention of a re-escalation of the civil conflict also lay at the centre of the recommendations made by the Representative of the Secretary-General on internally displaced persons following his visit to Tajikistan. Specifically, he stressed the need for a broadened and more representative political base within the legislative and executive branches of the State, and the need to strengthen the economy, the rule of law, including by securing the independence of the judiciary, as well as of human rights protection and promotion, particularly in the areas of the right to life and personal security, freedom of movement, freedom of expression, non-discrimination and equality before the law (see A/51/483/Add.1).

72. With regard to the normative framework for the protection of and assistance to internally displaced persons, the Representative of the Secretary-General on internally displaced persons presented to the Commission on Human Rights at its fifty-second session a compilation and analysis of legal norms (E/CN.4/1996/52/Add.2). The compilation and analysis confirmed that while existing law provided substantial coverage for internally displaced persons, there remained significant areas where it failed to provide adequate protection. In light of the findings and in accordance with a request by the Commission, the Representative continues to develop an appropriate framework for the protection of internally displaced persons. He is at present in the process of developing a body of guiding principles which will restate and clarify existing law and address shortcomings in the legal protection of internally displaced persons. While the legal compilation focused only on the legal guarantees of persons once internal displacement had occurred, the guiding principles will address, in an attempt to provide comprehensive coverage, all phases of displacement, including prevention, return and reintegration. The document will also address specific needs of internally displaced women and children. It is the hope of the Representative that it will raise the level of international awareness of the problem and be of concrete practical value to Governments, international agencies and NGOs working in the field to provide protection for the internally displaced.

73. The report by Mrs. Graça Machel, the expert appointed by the Secretary-General to undertake a comprehensive study on the impact of armed conflict on children (A/51/306, annex and Add.1), devotes a section of the chapter entitled "Mitigating the impact of armed conflict on children" to the issues of refugees and internally displaced children. A number of specific recommendations on this problem are contained in the report, including the need to ensure the survival and protection of unaccompanied children; practical protection measures to prevent sexual violence, discrimination in delivery of relief materials, and the recruitment of children into armed forces; the development of appropriate institutional frameworks to address the needs of internally displaced children and the designation of a lead agency in each emergency for the protection and assistance of internally displaced persons; support to the work of the Representative on internally displaced persons to develop an appropriate legal framework to increase protection for internally displaced persons and to give particular emphasis to the specific concerns of children; support to Governments by intergovernmental bodies and United Nations organs and agencies to strengthen national legislative frameworks; and the need to give urgent attention to child-headed households.

III. INTERNATIONAL COOPERATION

A. Replies from Governments

74. The Government of Mauritius emphasized the importance of paragraph 5 of Commission resolution 1996/51, concerning cooperation among Governments, and noted that this cooperation should be intensified at both the regional and global levels in order to address the serious problems resulting from mass exoduses of refugees and displaced persons and even more so in cases of flagrant breaches of human rights.

75. The Government of Iraq noted its cooperation with States and international organizations and its solidarity with the endeavours of the United Nations and the humanitarian organizations, particularly in the field of human rights, with a view to establishing an early-warning system to avoid the problem of mass exodus or to address it when it was brought about by causes such as natural disasters or regional or international armed conflicts forcing the population of a State to enter neighbouring States. Moreover, the Government of Iraq emphasized the need to keep the problem of refugees and displaced persons within its humanitarian context, in accordance with international humanitarian law, and to refrain from using it as a means to achieve political objectives or interfere in the internal affairs of States, as was currently happening in some regions of the world.

76. The Government of Cuba emphasized that the actual prevention of mass exoduses called not simply for early-warning and humanitarian assistance measures, but for lasting and effective solutions. It noted that greater bilateral and multilateral efforts were needed, with specific commitments and effective contributions to developing countries in order to promote the realization of all human rights, in particular the right to development.

77. The Government of Mexico noted the development, with the Government of Guatemala and in cooperation with UNHCR, of mechanisms for cooperation to facilitate the repatriation and economic assimilation of those asking to return to their communities.

78. The Government of Lebanon in its reply emphasized the development cooperation with regard to returnee areas with UNDP, the European Union and NGOs. Projects dealt with the mobilization of the communities in support of return, women, young people, education, health, vulnerable groups, income-creation projects, agriculture, artisans, the environment and rural planning.

79. Ukraine and the Russian Federation in their responses highlighted the value they attached to the Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States (CIS Conference), which was held in Geneva on 30 and 31 May 1996. They emphasized the need for innovative approaches to address the complex and specific migratory flows that were taking place in the CIS States and highlighted the specific international standards that had been developed under the Programme of Action to address modern forms of involuntary and enforced migration, including forcibly displaced persons.

80. The Russian Federation noted that the adoption of the Programme of Action laid a solid foundation for more active cooperation among the States and humanitarian organizations in protecting and assisting refugees and forcibly displaced persons and in mobilizing the efforts of the international community to tackle the problems associated with forced population displacements in the post-Soviet region. It noted that the Programme embodied a consensus on the judicial, institutional and material dimensions of the migration situation in the region, where action to deal with the consequences of the massive exodus in the 1990s went hand-in-hand with effective preventive measures. As regards future prospects, the Government of Russia recalled the

importance of combined efforts of concerned States and international organizations and called for steps to raise standards in human rights and minorities protection, to consolidate civil society and national harmony and promote tolerance and mutual respect among all strata of the population - ultimately for the good of democracy, the supremacy of law, and stability.

81. As a contribution to the fulfilment of the Conference's recommendations, the Russian Federation noted the adoption of clarifications to the federal migration programme and the outline of the State's nationality policy, as well as the approval of a series of basic documents on social questions, such as the federal employment promotion programme for 1996/97, the Fundamentals of States' Family Policy and the outline of action to improve the status of women in the Russian Federation.

82. The Government of Ukraine noted that particular emphasis had been placed on human rights as a foundation for Ukraine's migration policy. Taking into account its lack of resources to address migration problems on its own, including problems relating to refugees and deported persons, the Government emphasized the need to cooperate with international organizations, principally UNHCR and IOM, and also appealed to the United Nations High Commissioner for Human Rights to facilitate the implementation of the Conference's Programme of Action in his sphere of competence.

83. The Government further noted the establishment of the Ukrainian Ministry of Nationality and Migration Affairs (now the Ukraine State Committee on Nationality and Migration Affairs), and of local agencies of the migration service, while preparations are being made for the opening of a regional centre to provide temporary accommodation for refugees. It considered that the most important tasks in developing State migration policy were developing an outline of a State migration policy; accelerating the adoption of immigration legislation and the setting up of practical machinery for solving humanitarian and legal problems facing migrants; and coordinating the efforts of various State bodies and targeting their activities within the framework of a single State migration policy.

B. Replies from intergovernmental organizations

84. UNHCR also drew attention to the CIS Conference, as well as to the newly proposed regional consultations on population displacement in Central Asia, South-west Asia and the Middle East. These new efforts were seen to be within the context of previous regional approaches used in dealing with refugees in South-east Asia and Central America.

85. UNHCR also noted the continuing cooperation and information-sharing with the relevant mechanism of the Commission, specifically noting the logistical support and information-sharing and collaboration with United Nations human rights field missions, which it considered to be an important means of addressing the root causes issues and an integral part of comprehensive solutions. In that context, it also noted the close cooperation with the Representative of the Secretary-General on internally displaced persons and the development of a field guide on the basis of his compilation and analysis of legal norms referred to above.

86. In addition, UNHCR noted that the plight of refugee women and children had remained a priority area in 1996. Recognition of the vulnerability of women, particularly in situations of mass exodus, to gender-based discrimination and persecution, gender-specific violence and exploitation was discussed at a symposium in February 1996. As regards children, UNHCR had sponsored a Symposium on Unaccompanied Children in September 1996.

87. UNICEF referred to a recent memorandum of understanding with UNHCR that delineated areas of collaboration aimed at complementarity in assisting refugees, returnees, internally displaced persons and local populations in the country of origin. The MOU identified how UNICEF will continue to play its part in a number of specific areas, including psychological assessment of children who are traumatized by armed conflicts and violence to establish guidelines for their care and counselling, programme activities aimed at supporting families and communities, activities in the area of health and the provision of adequate water and sanitation services, and joint activities of the two organizations in advocacy and promotion of the implementation of the Convention on the Rights of the Child. Other activities included support, care and family reunification of unaccompanied children.

88. UNDP in its reply highlighted the importance of the close collaboration and joint programming with the High Commissioner/Centre for Human Rights, facilitating the integration of human rights into United Nations assistance. As the best recent example of such cooperation, UNDP cited projects to build better judicial and penal systems, which it considered as a prerequisite for the safe return of refugees, as well as for the avoidance of future exoduses.

89. UNDP further emphasized that support will be increased for the role of the Resident Coordinator in facilitating collaborative inter-agency responses to situations in which large-scale population displacements took place. In addressing the needs of internally displaced persons, UNDP collaborated with such partners as UNHCR, IOM, WFP, UNICEF and the High Commissioner for Human Rights. UNDP also drew attention to the planning and resource mobilization process facilitated by the Resident Coordinator/Humanitarian Coordinator, which could be increasingly useful in assisting the Office of the High Commissioner for Human Rights in the integration of human rights elements into multisectoral approaches in meeting the relief and reintegration needs of internally displaced persons.

90. DHA in its reply noted the establishment, by the Inter-Agency Standing Committee (IASC), of the Inter-Agency Task Force on internally displaced persons, chaired and supported by a small secretariat set up within DHA to help ensure coherent and comprehensive international responses to the plight of displaced persons. It served as the primary inter-agency forum for discussion and consultation on both protection and assistance issues related to internally displaced persons. DHA further underlines its commitment to strengthening the link between human rights and mass exoduses by emphasizing the need for an integrated approach to assistance and protection on issues related to internal displacement. The Task Force had also assisted the Representative of the Secretary-General on internally displaced persons with regard to country missions.

91. ICRC drew attention to a symposium held from 23 to 25 October 1995 in Geneva to address the problems surrounding the question of internal displacement. The meeting dealt with the legal aspects of the protection afforded to internally displaced persons as well as action in the field, with due regard to the need for coordination.

92. UNESCO emphasized its efforts to improve informed decision-making in the field of displacement, noting the launching of the UNITWIN Network in Forced Migration Studies in April 1996. The functions of the Network were to facilitate the development of teaching programmes for academics and practitioners, exchange teaching staff, establish the necessary library resources in member institutions, and encourage collaborative research. Network operations included research, teaching and training, documentation, public information and dissemination, and the development and coordination of linked programmes.

C. Replies from non-governmental organizations

93. The Friends World Committee for Consultation/Quakers(FWCC) in its reply noted the particular relevance of the resolution on human rights and mass exoduses as it had over the years come to recognize the key role of gross violations of human rights in causing the displacement of people. FWCC commended the addition of "gender" to the list of specific bases on which States must refrain from denying human rights as a significant step in recognizing persecution aimed at women as a denial of human rights and potentially the basis for refugee status. Moreover, FWCC welcomed the fact that the resolution took note of Sub-Commission resolution 1995/13, "The right to freedom of movement" as well as the fact that it underscored the efforts of UNHCR and others to ensure compliance with reporting requirements under the Convention relating to the Status of Refugees.

94. Furthermore, FWCC noted that while the report served as an important resource for compiling information on the human rights concerns of refugees, it could be more effective if information were provided by more Governments and NGOs and it were to focus on one or two key issues each year, rather than trying to cover all the broad issues as called for by the resolution. It finally noted that the relationship between the High Commissioner for Human Rights and the United Nations High Commissioner for Refugees must continue to be enhanced, as they had a joint role in protecting the human rights of refugees. Collaboration on the preparation of the report was suggested as a concrete measure in this regard.

95. Referring to voluntary repatriation, ICVA noted that further avenues of cooperation between UNHCR and NGOs should be explored and developed, specifically concerning the determination of whether conditions in a country of origin were sufficiently safe and stable to carry out a repatriation programme.

IV. EARLY WARNING, EMERGENCY PREPAREDNESS AND RESPONSE

96. For a number of years, it has been observed that there is a need for the strengthening of emergency preparedness, including early-warning capacity, and response mechanisms.

97. The Government of Ukraine pointed out that it considered it vital to expand the efforts for preventive measures with a view to identifying and forestalling the main causes of mass exoduses and the emergence of new refugee and migrant populations, including the establishment of efficient rapid response and early-warning mechanisms to deal with crisis situations.

98. DHA emphasized the need to identify and address the humanitarian causes and consequences of population displacements through early-warning systems. Reference was made to the Department's work in the development of the Humanitarian Early Warning System (HEWS), which was established to compile and analyse information from a variety of sources in order to identify potential crises with humanitarian implications. Currently, its database contained information on over 100 countries, with more intensive analysis conducted on particularly vulnerable areas. Information was both quantitative and qualitative and included reporting from the various early-warning systems in existence. HEWS will also include a substantial global database on internally displaced persons, which will facilitate the United Nations system's response and support contingency planning efforts.

99. Recognizing that inter-agency consultation on potential emergencies was essential, DHA also planned to resume the Consultations on Early Warning of New Flows of Refugees and Displaced Persons within the context of the administrative Committee on Coordination as a step towards regular inter-agency cooperation in early-warning and contingency planning. As regards the Secretariat's coordination in early warning, DHA, the Department of Political Affairs and the Department of Peace-keeping Operations had begun to implement the "Framework for Coordination". This exercise was initiated in the context of more multifaceted and multifunctional peace-keeping and peace-building activities, whereby the three departments developed a flow chart of actions to improve coordination in planning and implementation of complex operations. Since the beginning of 1996, a small, director-level "oversight group" has met weekly to review early-warning information, with the objective of ensuring that the departments consider and act in a timely and coordinated way on developments which might lead to crisis.

100. DHA further referred to the Complex Emergency Training Initiative (CETI), initiated in 1995 by the Inter-Agency Standing Committee and managed by DHA, which supported countries and institutions in their capacity-building efforts in emergency management. Modules on human rights monitoring had been included in the training materials.

101. UNHCR noted its continuing effort to develop its information databases, known collectively as REFWORLD, now available on CD-ROM. It was updated every six months and provided access to up-to-date analytical material regarding country situations which were unstable or might lead to mass displacement. It thus continued to contribute to the strengthening of practical and effective mechanisms for early warning and identification of potential mass exodus, as well as identification of potential solutions to the root causes of such displacement.

102. WFP emphasized the strengthening of its emergency preparedness and response mechanism, vulnerability assessment and mapping, collaboration on early-warning systems, contingency planning, inputs for immediate response

such as internal and external standby arrangements for specialized expertise and equipment, strategic stocks of food and equipment, service packages and improved emergency management assessment, planning, procedures and systems.

103. UNICEF pointed to the memorandum of understanding with UNHCR referred to above, which will enhance the cooperation between the two agencies, particularly in emergency preparedness and in response to the particular needs of women and children, in recognition of UNICEF's continued commitment to provide emergency assistance to refugees and displaced women and children, particularly those living in areas affected by war and natural disasters, in cooperation with relevant United Nations agencies and the international community.

104. ICRC emphasized that owing to the fact that a large part of population displacement was provoked by armed conflict, which was within its mandate, the ICRC is directly confronted with the problems relating to mass exodus. Noting that strict respect for humanitarian law could prevent much of the displacement and would lead to a significant reduction of the number of refugees and internally displaced, ICRC stressed that respect for the Geneva Conventions and their Additional Protocols represented an effective tool for the preventions of population exodus. Consequently, it was of crucial importance that States, as well as other parties to armed conflicts, made efforts to better apply humanitarian law. ICRC recalled the obligation of States to ensure knowledge of the Geneva Conventions and their Protocols among the armed forces and to take measures to facilitate their implementation at the national level.

105. The FWCC emphasized in its reply that with respect to early warning, it was generally acknowledged that a wealth of valuable information and analysis is was regularly produced, but that the problem lay in the fact that there was little or no follow-up action.

V. ACTIVITIES OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

106. Since taking office, the High Commissioner for Human Rights has taken a holistic approach to the protection and promotion of human rights. It has been increasingly recognized that human rights problems are a crucial element in all stages of displacement, and that their protection and promotion must form an integral element in preventing, mitigating, redressing and resolving situations of displacement. With this in mind, the High Commissioner for Human Rights has developed different strategies to give effect to human rights implementation in the field, to not only address situations of a vast and sudden outbreak of massive violations of human rights, but also to prevent violations of human rights from recurring or from becoming serious and widespread. Indeed, prevention has become central to international preoccupations as the international community sees years of development efforts destroyed overnight by outbreaks of serious violations of human rights.

107. In light of the importance of human rights information in early warning, as indeed in many situations, the character, level and extent of human rights violations indicate the state of political security in a given place. The High Commissioner has therefore taken steps to increase his capacity to detect

and act upon potential and impending crisis situations. In the current restructuring of the Centre for Human Rights, particular attention has been paid to the improvement of information management. In this regard, early-warning activities will be carried out by a new unit which has been established to undertake research and analysis, to support further policy development and to provide information services to the United Nations human rights machinery.

108. Furthermore, the High Commissioner for Human Rights has over the past several years participated actively in inter-agency cooperation to establish and develop a reliable and effective early-warning capacity. Within the context of the ACC Ad Hoc Working Group on Early Warning regarding New Flows of Refugees and Displaced Persons, he provided country-specific information until the consultative process was interrupted in the spring of 1995. He also participated in the efforts to improve the methodology for assessing the information available, by assisting in the development of a comprehensive list of factors characterizing pre-conflict situations. Similar information was provided to the development of HEWS. The High Commissioner for Human Rights welcomes the above-mentioned efforts to establish an inter-departmental framework for coordination, and is ready to support and participate in this initiative.

109. Certainly, the value of early warning depends on the extent to which it is followed by concrete activities, with both short- and long-term objectives, as appropriate. Human rights violations, if unchecked, undoubtedly contribute to the decay and disintegration of civil society. In such situations more concrete action is envisaged, with a view to addressing the root causes. In order to ensure that conflict prevention is based on a dynamic analysis of the human rights situation and related matters, an adequate field presence must be established in the relevant situations. Furthermore, in many instances, the mere presence of human rights field officers helps reduce tensions in a country and diminish human rights violations at a critical stage. Among the more long-term initiatives, preventive human rights action aimed at strengthening or preserving the rule of law and the pillars of State in conformity with internationally accepted standards of human rights may indeed help avoid social disasters, the collapse of Governments and their institutions, or internal or international conflicts. This in turn is an essential element in preventing flows of refugees and displaced persons as well as mass exoduses.

110. The human rights office in Bujumbura was opened with this in mind in June 1994 to provide technical cooperation concerning justice, the media, education and training for various segments of Burundian society. But right from the beginning, a monitoring aspect of the field presence in the country was also considered necessary, and it was possible to gradually deploy some human rights observers, currently numbering nine, to prevent and limit human rights violations and inter-ethnic violence, as well as to foster a climate of peace, confidence and tolerance among the members of society. Unfortunately, the lack of financial resources has seriously delayed initial deployment and prevented the office from reaching the planned strength of 35 field officers.

111. In addition to taking preventive action, the High Commissioner is seeking to take action regarding durable solutions, such as attempting to

create an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights, broad-based programmes of human rights education, as well as the strengthening of local non-governmental organizations. This will not only create the confidence necessary to encourage the return of refugees, but also in the long-run enable sustainable reconstruction and development.

112. Rwanda provides a good example of the multifaceted approach to human rights implementation in the field. The Human Rights Field Operation in Rwanda (HRFOR) takes a three-pronged approach to confidence-building with a view to eventual national reconciliation, which includes investigating the genocide, monitoring the ongoing human rights situation and providing technical assistance in the area of the administration of justice and human rights education. In this context, HRFOR continues to maintain a comprehensive presence of human rights field officers throughout the country to monitor and report on the ongoing human rights situation. It is indeed critical for post-genocide rehabilitation in Rwanda that the ongoing human rights situation is closely observed. Certainly, a climate of confidence and long-lasting peace can be built only upon the foundations of full respect for human rights and the rule of law. Confidence-building remains an over-arching objective of HRFOR, and is a critical element in facilitating a solution to the refugee crisis plaguing the region. As regards the repatriation and resettlement process, HRFOR continues to play a vital role and is closely cooperating with UNHCR, in accordance with a memorandum of understanding between UNHCR and HRFOR, and is attempting to ensure that basic human rights are guaranteed at all stages of return, resettlement and reintegration (see A/51/478, annex).

113. The High Commissioner also pays particular attention to the return and reintegration of displaced persons in other countries where he has established a field presence. Apart from the activities in Burundi and Rwanda, he presently conducts field activities in the former Yugoslavia, Cambodia and Malawi, as well as having recently opened offices in Zaire and Abkhazia/Georgia, and being engaged in preparatory activities for establishing a field presence in Colombia.

VI. ACCESSION BY STATES TO INTERNATIONAL REFUGEE AND HUMAN RIGHTS INSTRUMENTS

114. Twenty-three new accessions were registered in the first 10 months of 1996. Two States acceded to the International Covenant on Economic, Social and Cultural Rights and four to the International Covenant on Civil and Political Rights, bringing the total number of States parties to 135 and 136 respectively; two States acceded to the Optional Protocol to the latter instrument, bringing the number of States parties to 89, with the number of States parties to the Second Optional Protocol remaining at 29; two States acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, bringing the total number of States parties to 148; three new States have acceded to the Convention on the Elimination of All Forms of Discrimination against Women, bringing the total number of States parties to 154; seven States acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, bringing the total

number of States parties to 100; two States acceded to the Convention on the Rights of the Child, bringing the total number of States parties to 187; and one State acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, bringing the total number of States parties to seven. As part of his mandate, the High Commissioner for Human Rights has promoted accession to these international human rights instruments and has increased promotion and training activities for government officials, including military and police authorities.

115. In its reply UNHCR observed that in 1996 two States had acceded to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, bringing the total number of States parties to one or both instruments to 132. It further noted that, as a result of General Assembly and Executive Committee resolutions, and the recognition that statelessness can lead to mass displacement, UNHCR in 1996 developed an "Information and Accession Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness."

VII. CONCLUSIONS AND RECOMMENDATIONS

116. The problem of mass exoduses remains a prime concern on the international agenda. Several significant trends can be identified. First and foremost, there has been a general recognition of the multiple and complex problems facing those affected by displacement, and the corresponding need to develop multifaceted, comprehensive responses. Accordingly, efforts are being made to develop a coherent system-wide approach, reflected in, inter alia, the adoption of Economic and Social Council resolution 1995/56, which aims at filling gaps in the current system of response to address the needs of victims in emergency situations. In order to ensure predictability and a clear division of tasks, a number of agencies have also developed memoranda of understanding, both at the system-wide and country-specific level.

117. Another significant trend has been the increasing role given to regional organizations. Particularly in the context of population movements, the regional approach is often necessary, as mass exoduses rarely affect one country in isolation. Regional organizations are often able to adapt global strategies and standards to local realities while at the same time being in a position to contribute innovative approaches to the international community as a whole. The CIS Conference is a prime example of the potential usefulness in developing a conceptual and practical framework to address the phenomenon of displacement in a comprehensive and holistic manner. The High Commissioner for Human Rights welcomes the prominent status given to human rights in the Programme of Action and the comprehensiveness of the document, both with regard to the wide range of preventive, mitigating and solution-oriented initiatives, and with regard to the categories of persons of concern that have been included. The High Commissioner urges both donor Governments and the concerned countries themselves to attach a high priority to its implementation, and pledges to support the process within his field of activities, as he did during the preparatory process and the Conference itself.

118. While these developments are positive, a wide range of challenges remain. Despite the fact that current collaborative arrangements can considerably enhance assistance to and protection of displaced populations, the need for international efforts to go beyond the present system of ad hoc response remains, particularly as regards internally displaced persons. Moreover, a further strengthening of the cooperation between international agencies and the integration of human rights standards in their respective areas of work must be pursued. This is particularly important in view of the fact that, as regards displaced populations, the emphasis of current inter-agency collaborative efforts often lies in relief assistance rather than protection and, for instance, needs assessment missions only rarely include human rights professionals.

119. It should further be recalled that the best solution lies in prevention. To this end, the inter-agency early-warning efforts should be intensified or resumed, activities in which the High Commissioner should be intimately involved. In addition, increased attention should be focused on the mobilization of a response to early warning signals. In order to achieve this, early warning signals should be coupled with recommendations of appropriate preventive or mitigating steps to the respective decision-making bodies. Furthermore, in order to ensure a system-wide comprehensive response, it would be useful if the United Nations human rights programme was part of the activities carried out in the framework of the Inter-Agency Standing Committee on a regular basis.

120. The replies received clearly indicate the steady increase in internal conflicts, often related to ethnic grievances, as the major cause of mass displacement. In this light, there is a need to develop international, regional and national mechanisms, to prevent ethnic conflicts from occurring or to channel them into acceptable, less damaging paths. Moreover, the responses received reflect the extent to which civilians are increasingly targeted and specifically used as a tool of warfare. In order to further compliance with international standards of human rights and humanitarian law, additional efforts are necessary to strengthen accountability at the national and international levels. The establishment of the international criminal tribunals for the former Yugoslavia and Rwanda are encouraging initial steps towards this end, as well as being important components in the process towards peace and reconciliation.

121. It should also be recalled that after political settlement has been reached, the challenge of building sustainable peace begins. Certainly, post-conflict reconstruction goes beyond material assistance, and the issues of justice, peace and institution-building have to be addressed in order to make reconstruction sustainable and facilitate the return and reintegration of displaced populations. The challenge in post-conflict societies is to deal in a comprehensive manner with the issues of reconciliation, including human rights and the rule of law, as well as the reintegration of displaced populations, in order to create the necessary environment for sustainable peace and development.

122. Finally, while the various phases of displacement are increasingly considered as forming an integral whole at the conceptual level, it must be acknowledged that the majority of resources and attention have been allocated

to emergency response. As regards prevention, despite the acknowledgement that prevention is cost-effective financially as well as in terms of human suffering, and should accordingly receive a high priority, this has not been reflected in corresponding allocations of funds for such initiatives. Similarly, the increased attention towards ensuring a continuum in the transition from emergency to development assistance has often been hampered and delayed by a lack of funds and donor interest. Therefore, attention must be given to a more balanced approach to exploit all possibilities of preventing and resolving crises of displacement, and resources must be allocated accordingly.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1996/52

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Introduction

1. Since the appointment of the Representative of the Secretary-General on internally displaced persons in 1992, his role has evolved into one of a catalyst, involving raising awareness and acting as an advocate for the internally displaced with a view to stimulating action on their behalf. The activities of the Representative have crystallized into three main areas of work. The first is the development of an appropriate normative framework for addressing the needs of the internally displaced. The second area is the promotion of effective institutional arrangements for meeting the challenges of protecting and assisting the internally displaced. The third aspect of the mandate involves undertaking visits to countries with serious problems of internal displacement in order to promote dialogue with Governments and other actors relevant to addressing the needs of the internally displaced, towards the aim of improving conditions on the ground. The present report provides an update of the Representative's activities in these three areas of work.

I. THE NORMATIVE FRAMEWORK

2. The extent to which existing legal norms address the needs of internally displaced persons has been a subject of study by the mandate since its inception. After several years of intensive work in collaboration with academic institutions and experts, the Representative submitted a compilation and analysis of legal norms to the Commission at its fifty-second session (E/CN.4/1996/52/Add.2). The study examined the relevant provisions of international human rights law, humanitarian law and, by analogy, refugee law, to determine whether they adequately covered the protection and assistance needs of the internally displaced or whether the development of additional standards was necessary. The compilation and analysis concluded that while existing law covers many aspects of particular relevance to internally displaced persons, there are several significant areas in which the law fails to provide sufficient protection. These areas of inadequate coverage may be divided into two main categories according to whether they arise from clear gaps or grey areas in existing law.

3. Clear gaps in international protection arise in certain areas where no explicit norms exist to address identifiable needs of the internally displaced, such as those relating to personal documentation or to restitution of or compensation for property lost during displacement. A norm may exist in human rights law but be lacking in humanitarian law, or vice versa. In such cases, it is possible to articulate rights only by analogy with existing provisions of law that are limited in their application to specific situations, such as armed conflict, or to distinct categories of persons, such as children, refugees, or minorities.

4. The second category of insufficient coverage results where a general norm exists but a corollary, more specific right has not been articulated that would ensure implementation of the general norm in areas of particular need to internally displaced persons. For example, there may be a general norm on freedom of movement, but there is no explicit right to find refuge in a safe part of the country nor a guarantee against the forcible return of internally displaced persons to places of danger. Grey areas in the law also arise with regard to protection against gender-specific violence and the forcible

recruitment of children. While it may be possible to infer specific legal rights from general norms, the protection of the internally displaced would be strengthened by spelling out the particular corollary of the norm relevant to their needs.

5. There are also inherent shortcomings in the law. For example, in some situations of tensions and disturbances short of armed conflict, humanitarian law is not applicable and human rights law may be restricted or derogated from, thereby suspending protections that are critical for the well-being or survival of the internally displaced. Human rights law, moreover, with few exceptions binds only States, not non-State actors, such as insurgent groups under whose authority internally displaced persons may reside. Furthermore, some States have not ratified key human rights treaties or the Geneva Conventions and their Additional Protocols, and are therefore not formally bound by their provisions unless they are reflective of customary law.

6. On the basis of the conclusions of the compilation which recognized that there are significant areas in which international law fails to provide adequate protection for the internally displaced, the Representative recommended a restatement of existing law and clarification of its provisions in a single document. Doing so would serve several useful purposes. It would consolidate in one place the relevant existing norms that are at present too dispersed and diffuse to be effective. It would call attention to the need for the better implementation of existing norms. The document also would serve the educational purpose of increasing international awareness of the plight of internally displaced persons and of the need for further measures to effectively address it. Moreover, it should prove valuable to the work of Governments, international organizations and non-governmental organizations (NGOs) in promoting and protecting the rights of internally displaced persons.

7. The Commission on Human Rights, at its fifty-second session, called for the wide dissemination of the compilation and analysis of existing norms. The High Commissioner for Human Rights has endorsed the publication of the compilation, and it is the hope of the Representative that the study will be published and distributed as soon as possible. The wide dissemination of the compilation among Governments, international organizations and NGOs would serve to increase their awareness of the protection needs of the internally displaced and of the international legal standards relevant to addressing them. In the case of Governments, it could assist them with the drafting of laws relevant to internal displacement. The experience of the Office of the United Nations High Commissioner for Refugees (UNHCR) attests to the utility of the compilation to international organizations working in the field. On the basis of the study, UNHCR has developed a reference manual for its field staff on the international legal standards applicable to the protection of internally displaced persons. 1/ It is the hope of the Representative that other agencies as well as NGOs will follow the example set by UNHCR and use the compilation to enhance understanding among their staff of the standards of human rights and humanitarian law applicable to the protection of the internally displaced.

8. For his own part and in accordance with the request of the Commission, the Representative is continuing to develop, on the basis of the compilation, an appropriate framework for the protection of internally displaced persons.

He has been studying the specific form that such a framework might take, and currently is in the process of formulating a body of guiding principles. A meeting of legal experts was convened in Geneva in June 1996 to begin drafting the guiding principles. These were then discussed at a second meeting, held in October 1996, in which representatives of United Nations agencies and NGOs also participated. A second legal round-table discussion will be held in April 1997. A meeting of legal experts from the various geographic regions as well as representatives of United Nations agencies, regional organizations and NGOs will be hosted by the Government of Austria in Vienna in 1997 to review and refine the guiding principles.

9. It should be noted that the normative framework to be developed will be comprehensive in scope, addressing all phases of displacement, including its prevention. The legal compilation and analysis prepared by the Representative examined the legal standards applicable to persons once displaced. A separate study currently is being undertaken on the content and limitations of a right not to be displaced. Together, these studies will provide the basis for the development of guiding principles applicable before displacement occurs, those that apply in actual situations of internal displacement, and those that apply to the post-displacement phase. While the development of minimum humanitarian standards covering all situations, such as by the Turku-Abo Declaration currently under consideration by the Commission (E/CN.4/1995/116), would serve to fill some of the gaps in legal protection for internally displaced persons, there remains a need for guiding principles focusing specifically on their particular needs.

II. THE INSTITUTIONAL FRAMEWORK

10. The analysis and evaluation of existing institutional arrangements relevant to the internally displaced also reveal serious gaps. At present, there is no institution with exclusive responsibility for the internally displaced. Nor in the view of many should there be one institution mandated to assume this responsibility. The problem of internal displacement exceeds the capacities of any single organization. Internally displaced persons have humanitarian assistance needs, protection needs, and reintegration and development needs. An effective framework for dealing with internal displacement requires bringing together the humanitarian, human rights and development regimes into a comprehensive approach. Existing capacities need to be strengthened and collaboration enhanced among the wide variety of bodies and organizations whose mandates and activities are relevant to addressing the problem of internal displacement. Considering the intensity and scope of the crisis of internal displacement, improvements are needed to provide a more predictable and coherent response. The current system of ad hoc collaborative relationships is too often constrained by problems of coordination, neglect of protection and human rights, and insufficient support for the processes of reintegration and development.

11. One promising step towards strengthening the collaborative approach is the conclusion among international agencies of agreements that have the effect of dividing responsibility for different tasks in emergency situations according to institutional expertise. A memorandum of understanding, for example, was signed between UNHCR and the United Nations Children's Fund (UNICEF) in 1996 which provided for UNICEF to assume responsibility for

protecting, assisting and tracing unaccompanied children in their countries of origin. This should help enhance protection for internally displaced children. Additional agreements are needed to help achieve a more predictable division of labour among agencies with regard to protection, assistance and development for the internally displaced. The memorandum of understanding signed between the World Food Programme (WFP) and UNHCR on the delivery and distribution of food to refugees might be instructive for the development of a similar agreement with regard to the internally displaced. Country-level memoranda of understanding and letters of agreement guiding specific operational activities also have proven to be an effective mechanism for enhancing collaboration. The establishment of joint working groups and task forces among operational partners has further contributed to reducing gaps and overlaps in resource mobilization and programme activities. In Somalia, for example, an inter-agency task force was formed that specifically focused on the needs of internally displaced persons. The Representative welcomes the development and strengthening of such cooperative arrangements and the inclusion within them of provisions focusing on the specific needs of internally displaced persons.

12. For his own part, the Representative has exchanged a letter of understanding with the Under-Secretary-General for Humanitarian Affairs defining a framework for cooperation between them with respect to the problem of internal displacement. The agreement contains a commitment for the development of an information-sharing system on internally displaced persons, to be managed and maintained by the Department of Humanitarian Affairs (DHA). It also provides for the formulation of joint strategies to ensure that both the protection concerns as well as the humanitarian relief requirements of internally displaced persons are addressed. To this end, DHA may request the Representative to visit particular countries to engage in dialogue with the Governments concerned and to raise the visibility of any problems demanding attention. The Representative and the Under-Secretary-General for Humanitarian Affairs agree to jointly sponsor briefings to apprise delegates to the United Nations of important issues relating to internal displacement. Furthermore, the agreement provides that the Representative will support DHA's overall coordinating role, in particular as it applies to activities and studies relating to the internally displaced, while DHA will organize meetings with Governments to discuss the issue of internal displacement and to mobilize support for the Representative's efforts to discharge his mandate.

13. Enhancing the collaborative approach requires not only greater coordination among the agencies involved but also a more comprehensive response to the protection needs of the internally displaced. Insufficient attention to protection needs constitutes the greatest gap in existing institutional arrangements. While institutional mechanisms for the provision of assistance to the internally displaced are reasonably well developed, there remains a need to address the element of protection more effectively. Forging a comprehensive approach has proven difficult because only UNHCR and the International Committee of the Red Cross (ICRC) have extensive experience in providing both protection and assistance to the internally displaced. UNHCR becomes involved in situations of internal displacement on an ad hoc basis at the request of the Secretary-General or General Assembly when particular situations have a "direct link" to its refugee mandate or when its particular expertise is otherwise required. 2/ The ICRC, meanwhile, limits its

involvement to situations of armed conflict, when it seeks to provide protection and assistance to civilian victims, regardless of whether or not they have been displaced. 3/ The fact that UNHCR and the ICRC are not present in all situations of internal displacement makes it essential that protection concerns also are addressed by other operational agencies in the institutional framework. The Representative has worked closely with a number of humanitarian organizations, both at the headquarters level and in the field, to encourage them to pay greater attention to the needs of internally displaced persons, particularly in the area of protection. UNICEF, for example, has been focusing greater attention on the protection needs of internally displaced children within the context of promoting implementation of the Convention on the Rights of the Child.

14. An ongoing study by the Brookings Institution-Refugee Policy Group Project on Internal Displacement, directed by the Representative, already has made concrete suggestions for institutional reform. 4/ These have been disseminated widely and are summarized in previous reports of the Representative to the Commission. One particular issue highlighted in these reports is the need for a central point or mechanism within the international system to rapidly assign institutional responsibility in emergency situations involving internally displaced persons. Assigning one agency overall responsibility for the internally displaced in each complex emergency is another idea currently being explored. A final set of proposals, based on further analysis of relevant institutions, the Representative's country visits, and at least 10 case studies will be published in 1997 and summarized in next year's report to the Commission. In the present report, the Representative would like to focus on the need to strengthen the capacity of the United Nations human rights machinery to better address the protection problems confronting the internally displaced and to assume greater responsibility for addressing these concerns. UNHCR and other humanitarian organizations have repeatedly called for the greater involvement of United Nations human rights bodies in field operations in complex emergencies.

15. The High Commissioner for Human Rights has declared his readiness to contribute to efforts aiming at providing internally displaced persons with protection on the ground. He has outlined a programme of action emphasizing the importance of ensuring a human rights field presence in displacement crises and of extending advisory services and technical assistance in human rights issues to the Governments concerned. 5/ The implementation of this programme within an overall comprehensive approach would be facilitated by ensuring that the High Commissioner and the Representative are invited to play a more active role in the Inter-Agency Standing Committee (IASC), especially when it discusses and takes decisions on humanitarian crises of which internal displacement is a significant part.

16. Recent experience in the former Yugoslavia and in Rwanda evidences the significant protective effect of deploying human rights field staff. In the former Yugoslavia, the Commission's Special Rapporteur relied on information provided by field staff as the basis for intercessions with the local authorities. Moreover, the very collection of information by field staff has been found to "result in the implementation of positive changes in human rights practices, and even in the remedying of specific violations". 6/ In Rwanda, the human rights field staff, numbering more than 100, received a

mandate extending beyond the traditional functions of monitoring and reporting to include engaging in efforts to redress existing human rights problems and to prevent possible violations. 7/ They also were requested to facilitate the return of internally displaced persons and refugees by helping to create conditions of safety in areas of return. This latter assignment marked not only a new role for human rights field staff but also the first time that their mandate specifically addressed the protection concerns of internally displaced persons. To be sure, the human rights field monitoring operations in both Rwanda and the former Yugoslavia encountered serious difficulties, largely attributable to delays in their deployment and deficiencies in training and direction. Even so, they provide instructive models of the potential protective effect of human rights field monitors which should be closely studied for more effective application in other situations.

17. In addition to the deployment of monitors, the High Commissioner also may introduce a human rights field presence under the advisory services and technical assistance programme which, inter alia, promotes human rights protection through the strengthening of national institutions. The advisory services programme also may enhance prevention and assist the High Commissioner in fulfilling the request of the Commission to pay special attention to "situations which cause or threaten to cause mass exoduses". 8/ In situations of actual displacement, the protection of refugees and displaced persons is one of the programme's explicit objectives. 9/

18. The protection function of the programme extends to the post-displacement phase in which it has been particularly active. For example, human rights field staff in Rwanda are assisting in the development of a system for resolving property disputes which should facilitate return and reintegration. The Representative welcomes such efforts by the Centre for Human Rights, through its advisory services and technical assistance programme, to strengthen national institutions in countries affected by displacement as well as to address the specific problems of internally displaced persons, and he encourages the High Commissioner to initiate such projects in more situations of internal displacement. In Tajikistan, for instance, an advisory services programme could assist the Organization for Security and Cooperation in Europe (OSCE) in training and implementing programmes to strengthen the judicial system. In Guatemala, projects could address the problems of the internally displaced with regard to land, housing, official papers, employment and protection from harassment. 10/ In Colombia, programmes addressing the problem of impunity, the lack of physical security for the displaced, and issues relating to land and property rights could be developed to increase protection and assistance for the internally displaced.

19. There are thus two important means by which the United Nations human rights mechanisms can address the need of internally displaced persons for greater physical and human rights protection in the field. The High Commissioner is authorized to deploy monitors to prevent and protect against human rights violations in emergency situations. He also may assign staff from the Centre for Human Rights to United Nations regional offices to offer training and other technical assistance to Governments in supporting national plans of action in the area of human rights.

20. Both of these forms of human rights field presence are already making important contributions towards addressing the protection needs of the internally displaced, but they need to be further developed. It is the hope of the Representative that the protection role of human rights monitors will become more comprehensive in scope, to cover not only the return process but also camp situations. The massacre at the Kibeho camp in Rwanda in April 1995 tragically underlined the need for a human rights field presence in camp situations and settlements where internally displaced persons congregate. With respect to the advisory services and technical cooperation programme, the Commission acknowledged at its last session the need to develop projects, in cooperation with Governments, relevant international organizations and the Representative, to promote the human rights of internally displaced persons. The High Commissioner, meanwhile, needs to activate both mechanisms more often in order to cover a greater number of situations of internal displacement. The fact remains, however, that the United Nations human rights mechanisms currently lack the capacity to become fully operational and present in all situations demanding their attention. The Representative urges the Commission to support and strengthen the capacity of the Centre for Human Rights to allow it to undertake a more active approach to addressing the protection concerns of the internally displaced in the field.

21. When human rights bodies cannot be present or have been denied entry to particular countries, the task of ensuring that protection concerns are known and addressed falls to other actors. In the former Yugoslavia, for example, UNHCR protection officers engaged in efforts to protect the internally displaced prior to the much-delayed deployment of human rights field monitors, and continued to do so after their arrival. In Tajikistan, UNHCR and then the OSCE assumed the on-site human rights monitoring and protection role in the absence of field staff from the Centre for Human Rights. In view of the serious deterioration of the security situation in that country in recent months, the urgent need for a human rights field presence remains.

22. Relief and development agencies are often the first to become aware of protection problems, but they do not always address such concerns as these do not fall within their mandates. In Rwanda, for example, the inter-agency needs assessment mission dispatched by DHA did not include a human rights expert even though protection problems were paramount. In Liberia and Angola, WFP became the lead agency because food logistics were deemed the most critical needs while protection problems, which were equally severe, received much less attention. Though relief and development agencies may not have the mandate and expertise to engage directly in protecting physical safety and human rights, they none the less have an important role to play in facilitating protection through consultations with Governments and negotiations for access to internally displaced populations in need.

23. Humanitarian agencies should collaborate closely with human rights organizations in order to ensure an integrated and comprehensive approach to the plight of the internally displaced that addresses both assistance and protection concerns. Inter-agency needs assessment missions dispatched to countries experiencing humanitarian crises should routinely include persons with expertise in human rights and protection. When increased attention to human rights is needed in a given situation of internal displacement, the United Nations Resident Coordinator should recommend a visit by the

Representative. Following the Representative's mission, United Nations humanitarian and human rights agencies present in the country should be made aware of his findings and expected to monitor the extent to which his recommendations are implemented. Specific cases of internal displacement should be examined in order to determine an appropriate division of responsibilities which could then be defined in memoranda of understanding between humanitarian and human rights bodies. The memorandum of understanding concluded between the High Commissioner for Human Rights and UNHCR for the purposes of dividing responsibilities for providing protection in Rwanda serves as a useful model for developing collaboration among human rights and humanitarian agencies in other situations.

24. Close coordination also is required between the United Nations human rights and economic development programmes to ensure that a comprehensive approach to internal displacement extends from the emergency phase into that of return and reintegration. The Centre for Human Rights has been encouraged by the Commission to cooperate with the United Nations Development Programme (UNDP) with a view to integrating projects for strengthening human rights into the overall UNDP country programmes. 11/ The Representative considers the inclusion of human rights concerns into projects of return and reintegration as a prerequisite for the development of durable solutions to problems of internal displacement and urges that such projects include measures specifically addressing the human rights of the internally displaced. The rights of women to ownership of land and to inheritance require special emphasis, as do projects designed to help women heads of household become economically self-supporting.

25. The Representative's emphasis on the need to enhance the capacity of United Nations organizations to address the protection and assistance needs of the internally displaced in a coordinated manner accords with a recent resolution of the Economic and Social Council (ECOSOC) on "Strengthening the coordination of emergency humanitarian assistance of the United Nations". 12/ Several of the issues listed in the annex to the resolution, such as the role and operational responsibilities of each relevant organization, the development of memoranda of understanding between organizations, and the capacity of each to act in a timely and effective manner, relate to internal displacement. Internally displaced persons, moreover, constitute the only category of victims identified in the list of otherwise thematic issues to be considered by the Secretary-General in accordance with this resolution. 13/ Particular attention is given to the problem of gaps and imbalances with respect to organizations' capacity, inter-agency coordination, and information issues in existing institutional arrangements relevant to the internally displaced. The support staff of the Representative has participated in this review process and it is the Representative's hope that the forthcoming findings and recommendations will maximize the capacity of international organizations to respond effectively to the problem of internal displacement in an integrated and comprehensive manner.

26. A particular development in the institutional framework that the Representative would like to highlight is the increasing importance of regional initiatives. Regional organizations have a vitally important role to play in promoting protection, assistance and development support for internally displaced persons. They are in a position to adapt policies to

regional realities; their innovative approaches can be transmitted both to affected countries within their regions and to the international system as a whole. Several recent developments at the regional level deserve mention. The OSCE has become directly involved in efforts to protect internally displaced persons in Bosnia and Herzegovina, the Caucasus and Tajikistan. Another important development within the OSCE region was the organization in May 1996 of a regional conference on forced migration within the Commonwealth of Independent States. 14/ The resulting Programme of Action is particularly significant for its wide range of proposed measures with regard to internal displacement as well as for the emphasis it places on the promotion and protection of human rights in general. If effectively applied as a framework for cooperative action, this document should foster the development, at the national level, of policies, legislation and institutions for preventing, managing and resolving situations of population displacement. Also noteworthy are the measures taken by the Organization of African Unity, through its conflict-prevention mechanism, to defuse tensions prior to potential situations of displacement. When preventive efforts fail, the importance of developing integrated programmes to deal with the relief and development needs of displaced populations has been underscored by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region (of Africa), held in Bujumbura in 1995. In the Americas that same year, the Representative met with the Inter-American Commission on Human Rights of the Organization of American States. Subsequently, it took the important institutional step of appointing a rapporteur on internally displaced persons. The Representative recommends that other regional bodies also consider establishing institutional mechanisms to monitor situations of internal displacement and promote solutions for the internally displaced.

III. COUNTRY VISITS

27. Since it is the Governments that must bear the primary responsibility for the plight of internally displaced persons, the country visits conducted by the Representative are one of the most important features of the mandate. They focus attention on specific crisis situations in the affected countries and, in emphasizing solution-oriented dialogue with Governments, enable the Representative to recommend corrective measures to be undertaken by the country concerned in cooperation with the international community, including intergovernmental and non-governmental organizations. Country visits also serve the wider purposes of deepening understanding of the various dimensions of the problem of internal displacement and developing global and region-specific standards and strategies towards its resolution.

28. Over the past few years, the Representative has visited the former Yugoslavia, the Russian Federation, Somalia, the Sudan, El Salvador, Sri Lanka, Colombia, Burundi, Rwanda and Peru, and presented his findings and recommendations in previous reports to the Commission. Since the last session of the Commission, he has conducted two missions: one to Tajikistan in June 1996, on which he submitted a report to the last session of the General Assembly (A/51/483/Add.1 and 2); and the other to Mozambique in December, the report on which is submitted as an addendum to the present report.

29. The country visits undertaken by the Representative this past year provide valuable insight into both the problems and the promising developments occurring in the post-displacement phase of return, reintegration and development. In his report on Tajikistan, the Representative noted that although most of the 600,000 internally displaced by the civil war in 1992 had returned, their successful reintegration will depend on the degree to which the country can overcome the challenges of post-war economic and social reconstruction, peacefully resolve the underlying causes of the conflict, and remedy the recently deteriorated security situation which is generating new displacement. Issues of protection thus persist alongside those of reintegration and development. In Mozambique, by contrast, the peace accord in 1992 that ended 16 years of conflict has held firm with the result that, other than the serious danger posed by landmines, protection issues do not appear to act as an impediment to the processes of return and reintegration. Despite these differences in the two country situations, there are significant common threads running between them that underscore themes likely to be relevant in the post-displacement phase of other situations of internal displacement.

30. Both situations highlight the need for a holistic approach to the post-displacement phase of return, reintegration and development. In particular, they highlight the need for the provision of relief assistance and the planning of development projects to occur in a mutually reinforcing manner. In Mozambique and Tajikistan, UNHCR has attempted to facilitate reintegration by providing extensive assistance to returnees while simultaneously sponsoring quick-impact projects (QIPs) that aim to stimulate the recovery and reconstruction of entire communities. As their name might suggest, however, these QIPs need to be coupled with development initiatives which, in a more focused manner, aim at ensuring economic viability and sustainability as well as at safeguarding against the risk of fostering a relationship of dependency by the beneficiary population on the international community.

31. Ensuring the sustainability of reintegration efforts undertaken by humanitarian agencies therefore requires greater cooperation and continuity of purpose with development agencies from the outset. Humanitarian and development agencies should base their emergency relief programmes on the capabilities of the displaced and the survival mechanisms of the communities concerned. Development agencies, meanwhile, must make use of the emergency phase to formulate plans for increasing the coping capacity of affected areas so that they can effectively absorb uprooted populations. In Tajikistan and Mozambique, the development-oriented projects initiated by UNHCR could have benefited earlier from the expertise of UNDP in ensuring economic sustainability and beneficiary participation in development planning. Whether the early involvement of UNDP requires that it be present in the country or merely consulted at the conceptual stage of development-oriented projects is an issue requiring further consideration.

32. The need for a holistic approach extends to protection issues as well. In recognition of this need, the OSCE field officers in Tajikistan, who assumed the protection role initiated by UNHCR, focus their efforts on internally displaced persons and returnees but also address the human rights issues of the general population. At the same time as addressing the

immediate protection concerns of internally displaced persons, therefore, the OSCE simultaneously pursues the broader aim of developing the democratic process in one of its member States. With the deterioration of the security situation in Tajikistan since the Representative's visit, the need for continued efforts to strengthen national institutions for the protection of human rights and the rule of law has become all the more acute and should be addressed by the dispatch of a human rights assessment mission of the Centre for Human Rights.

33. In the course of his country visits, the Representative found that the special assistance, protection and development needs experienced by women and children, who constitute the vast majority of the internally displaced, are far from being adequately addressed, both during displacement and during the process of reintegration. His previous reports contain several recommendations for improving their situation. 15/ These include the need to develop measures to ensure that women are involved in the planning and distribution of relief, that they are protected against gender-specific violence, and that women heads of household receive special training and assistance in becoming economically self-supporting and able to provide for their families. In many countries, such as Tajikistan, the risk as well as the consequences of losing employment are especially serious for women, who may suffer from double discrimination owing to their ethnicity as well as their gender. They also experience more problems in establishing an alternative source of livelihood since the lack of credit opportunities tends to affect women most severely. These circumstances often compel children in women-headed households to contribute to the family income, which, in turn, results in reduced levels of school attendance. This is a problem that has been exacerbated in the Kurgan-Tyube region of Tajikistan by the practice of compelling teachers and children to provide forced labour during the cotton harvesting season.

34. In addition to often being deprived of adequate education and health services, children internally displaced in situations of armed conflict are likely to suffer from severe war-induced stress. The recent study by Ms. Graça Machel on the impact of armed conflict on children (A/51/306 and Add.1), in which the Representative was actively involved, noted that the assistance and protection needs of refugee and internally displaced children were not consistently addressed by humanitarian agencies. The study identified several areas for improvement, including in the protection of displaced children against sexual violence and forcible recruitment into armed forces as well as practical measures to ensure the survival and protection of unaccompanied children.

35. While human rights and humanitarian agencies as well as NGOs have taken steps towards reducing the special vulnerabilities of internally displaced women and children, a great deal more attention should be paid to developing strategies for addressing their assistance, protection and development needs. UNHCR has adopted practical measures to improve the situation of these vulnerable categories of persons in accordance with its guidelines on the protection of refugee women and children and on sexual violence against refugees. These should be disseminated to agencies working with internally displaced women and children, with the expectation that they will undertake efforts to implement their provisions. The Representative welcomes the recent

efforts of UNICEF to increase its capacity to address the particular protection as well as assistance needs of internally displaced children and internally displaced women care-givers, and encourages other humanitarian agencies to follow this example. With respect to the coordination of these efforts, the IASC Task Force on Internally Displaced Persons should evaluate the extent to which the assistance and protection needs of internally displaced women and children are being addressed in the field and develop collaborative arrangements for doing so more effectively.

36. As has been emphasized repeatedly by the Representative in previous reports, country visits provide an important opportunity for a constructive exchange of views with Governments and for raising the level of awareness within the country of the problem of internal displacement. If these country missions are to achieve their central aim of ameliorating the situation of the internally displaced, however, it is essential that there be appropriate follow-up. Extensive and frequent on-site monitoring is needed to ensure that situations are, in fact, improved and that the recommendations arising from discussions with Governments and international organizations are carried out. The High Commissioner for Human Rights has expressed a strong interest in ensuring the implementation of the recommendations made by representatives and rapporteurs of the Commission. 16/ In Tajikistan and Colombia, the establishment of a human rights field presence could contribute significantly in this regard. The Representative encourages the Centre for Human Rights to play a role in the follow-up process in the other countries he has visited as well.

IV. CONCLUSIONS

37. Building on the activities of the mandate over the past several years, the Representative's attention in the year ahead will continue to focus on the three main areas of his work: developing a normative framework; improving institutional arrangements at the international, regional and national levels; and undertaking visits to countries with serious problems of internal displacement, including those with problems relating to the reintegration of the displaced, in order to devise strategies for their resolution, in cooperation with the Governments concerned as well as international, regional and non-governmental organizations. Compared with the growing magnitude and complexity of the problem of internal displacement, however, the capacity of the Representative to perform this catalytic role in a comprehensive and effective manner is limited and requires strengthening. While drawing the attention of the Commission to this need, the Representative recognizes that the continued constraints on the resources of the United Nations system call for creative solutions. With this in mind, the Representative has sought and obtained external support for the work of his mandate. Support from both Governments and foundations has enabled in-depth research into the legal status of internally displaced persons, an analysis of institutional arrangements, including regional organizations and NGOs, and the development of a global overview of statistics and geographic distribution of internally displaced persons. The study being conducted under the direction of the Representative by the Brookings Institution-Refugee Policy Group Project on Internal Displacement has drawn upon the expertise of a large number of academics, lawyers, refugee and human rights specialists as well as institutions such as the American Society of International Law, the

Ludwig Boltzmann Institute of Human Rights, the International Human Rights Law Group, the Norwegian Refugee Council, the United States Committee for Refugees, and the Washington College of Law of the American University. The study should be ready for publication in 1997.

38. Though the Representative will continue to foster such collaborative arrangements with outside experts and specialized institutions, there remains a need for strengthened support of his mandate from within the United Nations system. It must be remembered that the problem of displacement is of great magnitude and global dimension, involving some 35 to 40 countries. This requires close monitoring of developments in these countries to detect serious crises that warrant involvement by the international community. This also requires gathering and processing information, planning and servicing country missions, conducting follow-up activities, coordinating efforts with intergovernmental and non-governmental actors, and, overall, promoting an international response. These are activities that demand active attention from the Centre for Human Rights which services the mandate. At present, there is a serious lack of resources at the Centre to meet this challenge. The staff member servicing the mandate, who has left the Centre since the last session of the Commission, has not been replaced. The Representative's current level of support in the Centre consists of two associate experts, provided by the Governments of Norway and Germany respectively, who are frequently assigned other responsibilities within the Centre in addition to servicing the mandate and whose contracts expire within the coming months. Taking into account that the position of Representative is a voluntary one, undertaken on a part-time basis, it would be particularly useful to have a senior staff member to assist in managing the affairs of the mandate, to play a role in inter-agency decision-making, and to act on behalf of the Representative whenever his other commitments prevent him from attending meetings requiring a senior level of representation. The mandate also could benefit from having a coordinator charged with enhancing collaboration on issues of internal displacement with intergovernmental agencies and NGOs, encouraging their greater involvement in the field, and monitoring and collecting information about serious situations of internal displacement. At the very minimum, the mandate requires the services of two regular human rights officers, adequate administrative support, and a commensurate level of secretarial expertise.

39. Several years ago, the Commission deemed the issue of internally displaced persons of sufficient international concern to warrant the creation of this mandate. Since then, the problem of internal displacement has only increased in severity and magnitude. If recent years are any indication, this trend regrettably is only likely to continue. At the same time, certain positive developments in the post-displacement phase that the Representative witnessed first-hand in Tajikistan and Mozambique evidence the potential for solutions. The continued existence of the problem of internal displacement combined with the ongoing need to search for solutions require that the capacity of the Representative's mandate and of the United Nations human rights machinery in general be strengthened in order to meet these challenges in a comprehensive and effective manner.

Notes

1/ UNHCR, International Legal Standards Applicable to the Protection of Internally Displaced Persons: A Reference Manual for UNHCR Staff, 1996.

2/ UNHCR's operational guidelines for involvement with internally displaced persons are delineated in Inter-Office Memorandum No. 33/93 and Field Office Memorandum No. 33/93 issued by the United Nations High Commissioner for Refugees, 28 April 1993. See UNHCR's Operational Experience with Internally Displaced Persons (Geneva: UNHCR, September 1994), annex I.

3/ Jean-Philippe Lavoyer, "Refugees and displaced persons - International humanitarian law and the role of the ICRC", International Review of the Red Cross, No. 305, March-April 1995, pp. 162-180.

4/ See, for example, Roberta Cohen and Jacques Cuenod, "Improving institutional arrangements for the internally displaced", Brookings Institution - Refugee Policy Group Project on Internal Displacement, October 1995.

5/ Specific suggestions for creating a framework for the continued on-site protection of the human rights of displaced persons and refugees are elaborated in the reports of the High Commissioner for Human Rights to the General Assembly (A/50/36) and to the Commission on Human Rights (E/CN.4/1995/98).

6/ Situation of human rights in the territory of the former Yugoslavia, tenth periodic report by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights (E/CN.4/1995/57), para. 122.

7/ Report of the High Commissioner for Human Rights on the Human Rights Field Operation for Rwanda (A/50/743, annex).

8/ Commission on Human Rights resolution 1995/88, para. 8.

9/ Report of the High Commissioner for Human Rights to the Commission on Human Rights (E/CN.4/1995/98).

10/ Assistance to Guatemala in the field of human rights: report by the Independent Expert, Mrs. Mónica Pinto, to the Commission on Human Rights (E/CN.4/1994/10), para. 185.

11/ Commission on Human Rights resolution 1994/69, para. 18.

12/ ECOSOC resolution 1995/56 of 28 July 1995.

13/ The issues raised pursuant to the resolution include: (1) Coordination; (2) Resource mobilization; (3) Human resources development and staff security; (4) Relief, rehabilitation and development; (5) Evaluation; (6) Local capacity-building; and (7) Internally displaced persons. These issues were identified on the basis of the indicative list of

issues in the annex to ECOSOC resolution 1995/56 and, as the resolution provides, bearing in mind section VII of the annex to General Assembly resolution 46/182 of 19 December 1991.

14/ The full name of the meeting is the "Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States".

15/ See, in particular, the report of the Representative of the Secretary-General on internally displaced persons to the Commission on Human Rights at its fifty-second session (E/CN.4/1996/52).

16/ Report of the High Commissioner for Human Rights (E/CN.4/1995/98), op. cit.